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FISH AND WILDLIFE LEGISLATION

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON

INTERSTATE AND FOREIGN COMMERCE

UNITED STATES SENATE

EIGHTY-FIFTH CONGRESS

SECOND SESSION

ON

S. 2447

A BILL "TO AUTHORIZE AND DIRECT THE SECRETARY OF THE INTERIOR TO UNDERTAKE CONTINUING STUDIES OF THE EFFECTS OF INSECTICIDES, HERBICIDES, AND FUNGICIDES UPON FISH AND WILDLIFE FOR THE PURPOSE OF PREVENTING LOSSES OF THOSE INVALUABLE NATURAL RESOURCES FOLLOWING SPRAYING AND TO PROVIDE BASIC DATA ON THE VARIOUS CHEMICAL CONTROLS SO THAT FORESTS, CROPLANDS, AND MARSHES CAN BE SPRAYED WITH MINIMUM LOSSES OF FISH AND WILDLIFE"

S. 2617

A BILL "TO AMEND THE MIGRATORY BIRD HUNTING STAMP ACT OF MARCH 16, 1934, AS AMENDED"

AND

S. 3185

A BILL "TO PROMOTE THE CONSERVATION OF MIGRATORY FISH AND GAME BY REQUIRING CERTAIN APPROVAL BY THE SECRETARY OF THE INTERIOR OF LICENSES ISSUED UNDER THE FEDERAL POWER ACT."

WASHINGTON, D. C.

MARCH 6, 7, 20, 1958

Printed for the use of the Committee on Interstate and Foreign Commerce

UNITED STATES

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WASHINGTON : 1958

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FISH AND WILDLIFE LEGISLATION

THURSDAY, MARCH 6, 1958

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
SUBCOMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D. C.

The subcommittee met, pursuant to call, at 10:55 a. m., in Room G-16, United States Capitol, Hon. Warren G. Magnuson (chairman of the committee) presiding.

The CHAIRMAN. The committee will come to order.

We have before us at this time S. 2447.

(S. 2447 follows:)

[S. 2447, 85th Cong., 1st sess.]

A BILL To authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following spraying and to provide basic data on the various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to undertake comprehensive continuing studies on the effects of insecticides, herbicides, and fungicides upon the fish and wildlife resources of the United States, for the purpose of determining the amounts and percentages of such chemicals that are lethal to or injurious to fish and wildlife and the amounts or percentages or mixtures which can be used safely, and thereby prevent losses of fish and wildlife from such spraying.

SEC. 2. The sum of \$280,000 per annum is hereby authorized to be appropriated to carry out the objectives of this Act.

The CHAIRMAN. S. 2447, introduced at the request of the Secretary of the Interior, would authorize and direct the Secretary to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife. These studies would provide basic data on the various chemical controls so that areas could be sprayed with minimum losses of fish and wildlife. The sum of \$280,000 would be authorized to carry out the objectives of the bill.

Of course, that would be a matter for the Appropriations Committee, but I think we ought to hear the testimony and have that as a background.

Congressman Lee Metcalf of Montana is the first witness on this matter. We will be glad to hear from you.

Have you sponsored similar legislation in the House?

STATEMENT OF HON. LEE METCALF, UNITED STATES REPRESENTATIVE FOR THE FIRST DISTRICT OF THE STATE OF MONTANA

Mr. METCALF. Yes, sir. I am the sponsor of H. R. 378 in the House.

The CHAIRMAN. What is the legislative status of the bill in the House?

Mr. METCALF. The bill in the House has been assigned to a subcommittee of Mr. Boykin, of Alabama, the chairman. Hearings have not been held. That is in the Merchant Marine and Fisheries Committee.

The CHAIRMAN. You may proceed, Congressman.

Mr. METCALF. Mr. Chairman, I appreciate this opportunity to appear on these bills, and as I have pointed out—

The CHAIRMAN. Excuse me. May I suggest, it might be possible, if we make the record here, that your hearings could be very short, and we could combine action on both bills very quickly.

Mr. METCALF. I have talked to Mr. Boykin. He said that now that you have this bill moving here, we can shorten up the hearings over there.

Senator Murray, Senator Mansfield, and Congressman LeRoy Anderson have gone over my statement and asked that they be associated with my remarks. If I may have permission to insert that statement into your record, I can summarize it briefly and answer any questions you wish to ask.

The CHAIRMAN. Yes; your prepared statement will be placed in the record.

(The prepared statement of Mr. Metcalf follows:)

CHEMICAL SPRAYS

S. 2447 would direct the Secretary of the Interior to begin continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife. I have introduced an identical bill, H. R. 783, in the House.

Studies, for which \$280,000 a year would be authorized, would lead to determination of the amounts, percentages or mixtures of such chemicals that can be used effectively while minimizing loss of fish and wildlife.

At least 3 billion pounds of these chemical sprays were dumped over more than 70 million acres of our crop and timberland to kill insects, weeds, and plant diseases last year. Each year, more acres are being sprayed with more efficient pesticides. Each year, dozens of new pesticides are developed. The 1955 issue of the Pesticide Handbook lists more than 6,000 commercial preparations of present day poisons for controlling pests.

Of course, there is economic justification for such a program. The Department of Agriculture estimates that insects alone cause losses exceeding \$4 billion a year. Everyone appreciates the need for minimizing the damage to forests and farm production. But we also must be concerned over the potentially destructive effects of these chemicals on wildlife.

Despite the enormous good wrought by chemical controls, they are a mixed blessing. Being poisons, they can be harmful to birds, mammals, and fish. Considerable damage to valuable fish and wildlife resources has occurred unnecessarily because chemicals were applied without sufficient knowledge of accepted procedures or without full regard to the consequences.

We all know of plant loss resulting from chemical controls. They have been due largely to carelessness, a lack of knowledge or of judgment.

Actually, we know very little of even the direct effects of many control agents on plants, animals, soils, and soil organisms. We know less about the indirect, accumulative, long-time effects of these controls upon plants, wildlife, and even on man. This is because development of new controls, with almost unlimited funds, has raced far ahead of testing.

This control program involves a multibillion-dollar recreation and commercial fishery industry of interest to at least 40 million Americans. According to a recent survey, America has some 25 million sportsmen. They spend approximately \$3 billion and 567 million man-days hunting and fishing each year. Caring for tourists is a major industry in many States—among them Montana, where the tourist business is our third-largest industry.

Sportsmen, conservationists, foresters, and farmers are equally concerned about minimizing damage to crops and to our wildlife. Dead fish, pheasant, quail, ducks, and the resultant damage to the tourist business is a poor trade for dead bugs.

Experts tell me that the toxicity of these chemicals depend on many things—among them the species, formulation, dosage, period of feeding or exposure, mode of entry into the body and various environmental and other conditions. But all are poisons.

One of the newer and most effective insecticides is parathion. One of the insecticide companies says parathion is so dangerous that a fraction of a teaspoonful of the pure material on one's wrist, if not washed off, cause death within 15 minutes.

While preparing this statement, I took a bottle of insecticide down off the shelf of my garden supply closet and read the label. It includes these words:

"CAUTION: Danger—* * * Keep out of reach of children. Avoid contamination of feed and foodstuffs. Avoid excessive inhalation. Do not get on skin, in eyes, or on clothing. Wash skin with plenty of soap and water. For eyes, get medical attention—flush with water for 15 minutes. Do not feed forage crops treated with material to dairy animals or to animals being finished for slaughter. Do not apply to foliage of white or sweet potatoes. Do not use in soil where potatoes will be grown within 2 years * * * Do not use on edible crops within 30 days of harvest unless otherwise specified."

According to the label (Ortho Isotox, Garden Spray M), this spray contains lindane, malathion, and DDD.

Confusion among experts on the effects of chemical controls upon wildlife, plants, and even upon man extends to the manufacturers. Last year, I inserted in the Congressional Record a letter announcing the withdrawal of the Thompson Chemicals Corp., of Los Angeles, Calif., and St. Louis, Mo., from the production, distribution, and research of the presently known agricultural insecticides.

In that letter, which is on pages A4076 and A4077 of the 27 May 1957 CONGRESSIONAL RECORD, the company president, William T. Thompson, says that the "currently known and used broad spectrum insecticides and their wide-scale application to agricultural crops—although giving temporary control and temporarily increased yields—are at best palliative, and perhaps will prove dangerous and uneconomic in the long run."

Recently the press has carried accounts of disagreement among biologists on the Department of Agriculture program for controlling fire ants in the Southern States.

In a letter to the Secretary of Agriculture, Mr. Ernest Swift, executive director of the National Wildlife Federation, wrote that applications of two chlorinated hydrocarbons—dieldrin and heptachlor—being used for this program have in some instances had devastating effects upon birds, small game animals and aquatic life.

Our inquiries indicate that two pounds per acre of these compounds will be used in the eradication program now being initiated by your Department in cooperation with State and local agencies of the Southeast. Swift wrote, "Studies of the losses inflicted by dieldrin and heptachlor upon small birds, mammals, and fish have shown that application of even less than $\frac{1}{4}$ pound per acre can result in heavy mortality."

In the issue of Sunday 2 March 1958, the Washington Post, and Times Herald, carried a reply from Mr. D. R. Shepherd, head of the Department's cooperative control operations section. He was quoted as saying that the threat to animals, helpful insects and fish has been greatly overstated by conservationist groups.

But, I have a copy of a letter to Secretary Benson supporting Mr. Swift, and suggesting that the problem he raised "is even more serious than Mr. Swift has indicated." This letter from the Biological Laboratories of Harvard University is signed by William L. Brown, associate curator of insects; Herbert W. Levi, associate curator of arachnology, and Edward O. Wilson, assistant professor of biology.

An excellent summary of current knowledge concerning the effect of insecticides on birds, fish, and other wildlife appeared in the summer of 1956 issue of Audubon magazine, publication of the National Audubon Society. It is an authoritative article by Mr. Paul F. Springer, Wildlife Research Biologist at the Patuxent, Md., Research Refuge of the United States Fish and Wildlife Service. It is also well balanced—not only describing how various insecticides can damage wildlife, but also pointing to the need for insecticide applications and how harm to wildlife can be limited by proper choice of materials, formulation or timing. This article was extended with my remarks on pages A5970-1 of the 28 July 1956 issue of the CONGRESSIONAL RECORD.

Mr. Springer says mammals usually show more resistance to poisoning by DDT and other new insecticides than do fish. This is borne out by a study just completed in Montana.

Chemical control of the spruce budworm, which by that time had reached epidemic proportions, was begun in Montana in 1952. DDT was applied from the air at the rate of 1 pound per acre on 12,000 acres of the Bitterroot National Forest. This project was followed by similar "hot-spot" spray programs on the Helena and Nezperce National Forests and Yellowstone National Park in 1953. In 1955, a control project of 132,856 acres was completed in and adjacent to the park.

In October of that year, following the spraying, the Montana Fish and Game Department received reports of fish dying in the Yellowstone River. Observations of fish mortality were made all along the river system, 91 road miles, from Gardner to Big Timber. At one point, investigators found 600 dead fish—mostly whitefish, but including many brown trout—in approximately 250 yards.

The fish were emaciated. They may have starved to death. But DDT was found in brain, liver, and kidney tissues. That winter, the Department sampled and compared aquatic insects in sprayed and unsprayed areas in the drainage. They found a "noticeable absence" of insects on which fish live, in the sprayed areas.

Investigators turned to current literature on DDT. They found "conflicting results," and noted that "very little was known about the long-range effects in streams."

So, together with the Fish and Wildlife Service and the Forest Service, the Department started a study to determine the effects of future spray operations on several trout streams.

In January of this year, those agencies issued a report on their study. I have a copy of that report for your reference.

Researchers did extensive work on 7 Montana trout streams in areas sprayed by DDT.

Studies show that aquatic bottom organisms "are materially reduced" by the spraying, reductions of over 90 percent of the volume were common. By the fall following spraying, insect recovery on these streams represented "only a fraction of the normal volume." By the end of the second summer, volume recovery of bottom organisms ranged from more than 100 percent to practically zero. One stream showed a volume of bottom organisms exceeding that prior to spraying. On five, recovery "had progressed considerably but did not equal prespray volumes." On the seventh stream, one of the richest in bottom fauna prior to spraying, "only a trace of aquatic organisms was found in the second summer."

Researchers also did a census of the fish in these 7 streams during the summer of spraying and again the following year. This census did not reveal any fish mortality during the summer of spraying. In the second summer, fish populations on 5 of the streams approximated those of the previous year. On 2 streams, game fish reductions in sprayed sections of 70 percent and 80 percent occurred between the summer of spraying and the following year. The stream with the 80 percent game fish reduction was also the stream where aquatic insect recovery was practically nonexistent.

One paragraph in the conclusion of this report stands out. It reads:

"Information collected thus far indicates that forest spraying with DDT at the rate of 1 pound per acre will result in fish kills, some of which will be serious. Extreme caution in spraying near streams and lakes will reduce the hazard to fish and aquatic organisms. Repeated spraying within 3 or 4 years will not give affected bottom organisms and fish populations a chance to recover adequately."

So far I have concentrated on insecticides. The questions that have been raised also are true for herbicides and fungicides.

Experts tell me that most of the herbicides now in use "appear" to present little hazard to animal life at recommended dosage levels—but their indirect effects on wildlife habitat may be serious. Here again, testing lags far behind development.

As you can see, we must have the research authorized by this bill if we are to protect our valuable wildlife resources while at the same time minimizing pest damage to our forests and farmland.

My file on this bill includes support from the great national conservation organizations and many of their local chapters. I am sure you have heard from them, too.

In addition, this legislation has the support of the Montana Fish and Game Department. Letters from Mr. W. J. Everin, deputy director, and Mr. Walter M. Allen, superintendent of fisheries, Montana Fish and Game Department, follow:

STATE OF MONTANA,
DEPARTMENT OF FISH AND GAME.
Helena, Mont., April 24, 1957.

HON. LEE METCALF,
*House of Representatives, United States Congress,
Washington, D. C.*

DEAR MR. METCALF: The Montana Fish and Game Commission is in favor of the provisions of H. R. 783.

The commission is vitally interested in the effects of insecticides used for the spraying of the spruce budworm in Montana.

We have experienced some fish losses which are attributed to spraying operations.

The commission is very anxious that the funds be appropriated to the Fish and Wildlife Service to continue research that is necessary to determine the results of certain spraying operations on insect and wildlife resources.

Your support of this type of legislation is greatly appreciated.

Yours very truly,

W. J. EVERIN, *Deputy Director.*

STATE OF MONTANA,
DEPARTMENT OF FISH AND GAME,
Helena, Mont., April 24, 1957.

HON. LEE METCALF,
*House of Representatives,
Washington, D. C.*

DEAR SIR: We are extremely interested in your bill H. R. 783 regarding the use of insecticides and herbicides in the control of noxious weeds and insects, and their effect on fish life in the Rocky Mountain area. One of the main stumbling blocks we presume is the means of financing this type of program. In a discussion with forest service personnel and fish managers, it was mentioned that it may be suggested to you that a small tax per gallon be placed on various commercial products, and in cooperation with the manufacturing agencies, promote the necessary research that they desire as well as people who are concerned with the effects of the use of such hydrocarbons as DDT and toxaphene on humans and wildlife.

We had an incident here at Townsend where a rancher sprayed his cattle while the ground was frozen and the material, containing 45 percent toxaphene, washed into the creek and killed all the trout for several miles. We can replace the trout; however, the man using the material got it all over his hands, and we know from literature that this is dangerous to humans.

There are many streams that have had fish kills due to uncontrolled use of insecticides and herbicides, and after the job is done it is impossible for us to rectify the damage immediately. It takes several years to again build up an insect and fish population in the waters affected.

The DDT spraying program in the control of spruce budworm is affecting our fish population and insect life in the streams where spraying is done. We expect to be able to send you, in the near future, a report on last year's findings. Anything you can do to further expedite the investigational program on the use of DDT and other materials of this type in the Rocky Mountain region will be greatly appreciated by sportsmen and wildlife managers.

Very truly yours,

WALTER M. ALLEN,
Superintendent of Fisheries.

Mr. METCALF. You described the purpose of S. 2447, and I have introduced H. R. 783, an identical bill, in the House.

Mr. Chairman, at least 3 billion pounds of chemical sprays were dumped over more than 70 million acres of our crop and timberland to kill insects, weeds, and plant diseases last year. Everyone appreciates the need for minimizing the pest damage to forest and farm production, which the Department of Agriculture estimates at least \$4 billion a year.

At the same time, we must be concerned over the potentially destructive effects of these chemicals on wildlife.

They are poisons. Already there have been cases of considerable damage to valuable fish and wildlife resources because pest controls were applied without sufficient knowledge of accepted procedures or without full regard to the consequences.

Among these cases is the death of fish in the Yellowstone River in Montana following aerial application of DDT as part of the spruce budworm-control program.

I have a copy of the report issued in January of this year following a study by the Montana Fish and Game Department, the Fish and Wildlife Service, and the Forest Service of the effects of spraying on several trout streams.

The report shows that insects and aquatic bottom organisms are materially reduced by the spraying, with reductions of over 90 percent being common. A census of fish in 7 Montana trout streams shows that a reduction of 70 and 80 percent occurred between the summer of spraying and the following year in 2 of the streams. In the other five, fish populations approximated those of the previous year.

There are more than 6,000 commercial preparations for controlling pests. Each year new ones are developed, as progress races ahead of testing.

Actually, we know very little of even the direct effects of many control agents on plants, animals, soils, and soil organisms. We know less about the indirect, accumulative, long-time effects of these controls upon plants, wildlife, and even on man.

The research authorized by this bill would get us that information.

The pest-control program involves a multibillion dollar recreation and commercial fishery industry of importance to at least 40 million Americans. According to a recent survey, America has some 25 million sportsmen, who spend approximately \$3 billion and 567 million man-hours hunting and fishing each year. Caring for tourists is a major industry in many States—among them Montana, where the tourist business is our third-largest industry.

Sportsmen, conservationists, foresters, and farmers are equally concerned about minimizing damage to crops and to our wildlife. Dead fish, pheasant, quail, ducks—and the resultant damage to the tourist business—is a poor trade for dead bugs.

That concludes my statement on S. 2447.

The CHAIRMAN. Thank you. On the first bill, S. 2447, on which you have a companion bill, we are merely saying, in effect, that we want the Secretary of the Interior, or the proper department, to ask for \$280,000 to authorize further study and research into this question of the use of insecticides and their effects upon wildlife.

Mr. METCALF. Actually, this was brought to my attention by the spraying on the Yellowstone that I mentioned.

The CHAIRMAN. We had some cases in the State of Washington in the Yakima and Wenatchee Valleys where they are spraying apples, pears, and other fruit. That is a great pheasant country. The effect on the pheasants was disastrous.

Mr. METCALF. We have an effect on pheasants, quail, and many others.

The CHAIRMAN. Let me ask: Why do we designate the Department of the Interior in that case?

Mr. METCALF. They are doing much of the spraying and we have to pick——

The CHAIRMAN. Why not Agriculture?

Mr. METCALF. It could be Agriculture. I selected the Secretary of the Department of the Interior because of much of its management. Agriculture could do the same job for the forests. They have jurisdiction. We have to select one or another department. In talking it over with people in the administration they seem to think that the Secretary of the Interior would be the one to select.

The CHAIRMAN. Would it help the bill any if we had a section which specified that the Secretary of the Interior, in carrying out the purposes of this act, shall consult with and cooperate with the Department of Agriculture because the forest lands are involved?

Mr. METCALF. Forest lands are involved. Before I introduced H. R. 783, I talked it over and I don't think there will be any difficulty in having cooperation between the two agencies. If it had to be, that wouldn't hurt the bill.

The CHAIRMAN. Thank you, Congressman Metcalf.

Next we will hear from Congressman George McGovern of South Dakota.

STATEMENT OF HON. GEORGE McGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE FIRST DISTRICT OF SOUTH DAKOTA

Mr. McGOVERN. Mr. Chairman, as one who is greatly interested in the preservation and expansion of our wildlife resources, I appreciate the opportunity to offer this statement to your committee in support of S. 2447 and S. 2617.

South Dakota, in addition to being the pheasant center of the world, is one of the top three duck-producing States in the Nation. With the development of Missouri River projects, we are also expanding our fishing facilities.

Naturally, all thoughtful South Dakotans are interested in preserving our fish and wildlife. We are equally interested in promoting programs to facilitate their growth in numbers for the enjoyment of sportsmen and hunters today, as well as future generations.

S. 2617 seeks to expand the wetlands so essential as the nesting grounds of waterfowl. Obviously the future of waterfowl numbers depends heavily on the preservation and expansion of wetland areas.

The Duck Stamp Act of 1934, very clearly stipulates that the purpose of this legislation is to "provide funds for the acquisition of areas for use as migratory bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas."

Yet, although the duck stamp fee was doubled to \$2 in 1949, very few additional wetland areas have been acquired in the last 10 years.

One of the principle reasons lies in the fact that 85 percent of the duck stamp dollar has gone for refuge maintenance and other administrative expenses. The Federal Government has allowed these funds to be siphoned off, while at the same time, failing to provide sufficient money to expand the program, the responsibility for which also falls heavily upon the Government.

S. 2617 would earmark 65 percent of the money raised by duck stamp sales for the acquisition of land to be used for feeding and rearing migratory birds. The measure would authorize the use of these funds for the purchase or lease of small wetlands as waterfowl production areas. Yet it would not increase the duck stamp fee from its present level.

Since 1935, hunters have paid out \$54,200,000 for duck stamps alone, \$49,400,000 of which has been expended. However, less than one-sixth of this amount has gone for the acquisition of land. Around 65 percent has been spent for development, maintenance, and administration.

Clearly the intent of the law has been reversed. Just as clearly, it should be the duty of Congress to see that this situation is corrected. Well over 2 million American duck hunters look to their Government for proper administration of the law.

I should like to add a few brief remarks in support of S. 2447, which would direct the Secretary of the Interior to commence broader studies into the effects of insecticides, herbicides and fungicides upon fish and wildlife.

An authorization of \$280,000 should enable us to learn what mixtures of the powerful chemicals now being employed, can be used most effectively against pests and disease, while at the same time minimizing the loss of fish and wildlife.

Last year more than 3 billion pounds of DDT and other chemicals were sprayed over 70 million acres of timber and cropland, to kill insects, weeds and plant diseases.

While we all recognize the important of this vital program in curbing the billions of dollars of disease and pest damage, we must be equally cognizant of the potential damage these deadly poisons pose to fish and wildlife.

Let us provide for the expanded research that is so badly needed.

The CHAIRMAN. Thank you, Congressman McGovern.

Mr. Parker, we will be glad to hear from you.

Mr. Parker is the Assistant Director for Wildlife, Bureau of Sports Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior.

**STATEMENT OF LANSING A. PARKER, ASSISTANT DIRECTOR FOR
WILDLIFE, BUREAU OF SPORTS FISHERIES AND WILDLIFE, FISH
AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR**

Mr. PARKER. Mr. Chairman, members of the committee, recommendations of the Department of the Interior concerning S. 2447 were embodied in a letter dated July 12, 1957, from Under Secretary of the Interior Hatfield Chilson to the chairman, Senator Magnuson. This report favored enactment of the proposed legislation; it also outlined major research needs in pesticide-wildlife relationships and suggested certain changes in wording of the act.

The committee will note that several of these changes pertain to technical terminology and serve to increase the number of types of chemicals which would be subjected to study. Other modifications in wording would extend the scope of investigations to include the kinds of pesticidal formulations employed, their different methods of application, and their effects on all types of land areas.

The CHAIRMAN. What changes were suggested?

Mr. PARKER. In the title of the bill we recommended, after the words "herbicides, and fungicides" the deletion of the word "and" and include "other pesticides."

The CHAIRMAN. That would make it more all-inclusive?

Mr. PARKER. Yes.

The CHAIRMAN. The word "pesticide" would cover almost anything.

Mr. PARKER. That is what we are proposing, to broaden the field. Then, on the fifth line down, where it says "following spraying" we would propose deletion of the word "spraying" and in lieu thereof substitute "following application of these materials."

The CHAIRMAN. So it would read—

fungicides and other pesticides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials.

Mr. PARKER. Right.

The CHAIRMAN. Did you cut out the word "spraying"?

Mr. PARKER. Yes, sir; making it broader than spraying.

The CHAIRMAN. Then we go on—

and to provide basic data on the various chemical controls so that forests, croplands, rangelands, and other lands are added—

and you cut out "marshes"?

Mr. PARKER. Right.

The CHAIRMAN. And then "can be sprayed," and you add "dusted or otherwise treated with minimum losses of fish and wildlife."

Mr. PARKER. Yes, sir.

The CHAIRMAN. Then you suggest in the body of the bill itself on line 5, page 1, after "fungicides" you again add the words "and pesticides."

Mr. PARKER. Yes, sir.

The CHAIRMAN. Then on page 2, line 1, you cut out the word "and" and you add "and formulations" after the word "percentages" to read "amounts, percentages, and formulations." Then on line 3 you add "or formulations" after the word mixtures."

Mr. PARKER. I didn't have that one, but that would do.

The CHAIRMAN. That is in there. It just makes the bill broader.

And then you add "dusting and other treatments" in line 4.

Mr. PARKER. Yes, sir.

The CHAIRMAN. Go ahead with your statement.

Mr. PARKER. Subsequent to preparation of the report the Bureau has received a great many additional inquiries from conservation organizations and individuals concerning effects of pesticidal compounds on the Nation's wildlife resources. It has also received numerous communications from the Department of Agriculture and other Federal as well as State agencies soliciting advice as to ways and means by which the harmful effects of pesticides can be minimized. At the present time fish and wildlife technicians do not have the answers

to many of the questions that are being asked. They do not possess adequate laboratory and field data to evaluate properly some of the pesticidal formulations now in use, and they have little or no data on other compounds that will appear on the market during the coming months. In short, scientific knowledge in the realm of pesticide-wildlife relationships is 5 to 10 years behind the discovery, formulation, and field application of these chemicals.

The current situation is in large part due to the phenomenal growth in the use of new pesticidal compounds developed since World War II. Foremost among these are over 60 different insecticides classified as chlorinated hydrocarbons and organic phosphates.

The usefulness of these and other chemicals in combating ravages of insect pests is evidenced by reports that over 750 million pounds of pesticides having a value of over \$250 million are produced in the United States each year. About two-thirds of this production is for domestic utilization on some 80 million acres of the Nation's lands and waters. A sizable portion is applied by aircraft. The magnitude of these operations alone is illustrated by a recent report that there are 1,500 applicators operating 5,000 aircraft which annually distribute 1 billion pounds of dry chemicals and about 100 million gallons of liquid formulations, a major portion of which are insecticidal. While many pest-control measures have been and are being carried out in carefully controlled programs without appreciable harmful side effects, there is mounting evidence that some pose a serious threat to fish, birds, and mammals.

A Florida operation carried out to control sandflies and involving aerial applications of 1 pound of dieldrin per acre on 2,000 acres of marshland resulted in almost complete destruction of aquatic life in an adjacent canal. In this area, the fish kill was estimated between 20 and 30 tons, involving over 1 million fish of 30 different species.

Endrin, a more toxic relative of dieldrin, was widely used by orchardists last fall at a rate of 2 pounds per acre as a ground spray for the control of tree-girdling mice. When applied at the above-mentioned rate it kills mice, but also endangers other mammals and birds inhabiting treated areas. Water runoff from some of these locations has killed fish in nearby streams and ponds. In one instance, presence of the chemical in a domestic water supply was suspected when water samples from a spring adjacent to a treated orchard killed fish after 4 hours' exposure.

Heptachlor, a chemical applied extensively in the fire ant control program throughout nine Southeastern States, appears to be slightly less toxic than dieldrin or endrin. There are insufficient laboratory or field data available at this date to pinpoint its degree of hazard to fish and wildlife. However, contrary to statements by persons who claim its use entails little or no danger to wildlife, laboratory data reveal appreciable—25 percent—mortality in the reproduction of quail and pheasants when levels as low as one part per million of heptachlor are present in winter and spring diets of parent birds.

A recent survey of a 3-acre plot in Georgia, about 1 week after aerial treatment with 2 pounds of heptachlor per acre, resulted in recovery of remains of 5 quail, 16 song sparrows, 4 rabbits, and several field mice.

Numerous reports, similar to those cited above, constitute what may be termed as circumstantial evidence against the use of certain insecti-

cides. Adverse effects are difficult to prove. Techniques for the detection of minute amounts of pesticide residue in animal tissue are extremely complicated. Furthermore, lethal effects of some are slow, and migratory forms of fish and wildlife exposed to them may travel many miles before death occurs.

In other cases, mortality can be due to slow starvation when insects and other invertebrate sources of food for fishes and birds are destroyed by large scale pesticide application. At the present time, there is grave concern as to whether chemicals employed in the fire ant control program will destroy earthworms, a major source of food for woodcock wintering in the Southeast.

Much of the knowledge concerning pesticide-wildlife relationships is based on information obtained from investigations of DDT. In general, the findings from these studies reveal that applications of DDT totaling 1 or 2 pounds per acre on forest and agricultural land usually are not significantly harmful to birds and mammals. Fish are much more susceptible, and dosages in the vicinity of streams and ponds should not exceed two-tenths of a pound per acre. On the other hand, applications of 5 pounds or more of DDT per acre produce severe losses to all types of wildlife.

Laboratory studies of other more toxic insecticides, such as heptachlor, aldrin, dieldrin, and endrin, indicate that these compounds are from 15 to 200 times as toxic as DDT to birds. While some of the laboratory findings have not been fully substantiated by field observations, we must assume that large-scale applications of the more toxic chemicals at dosage rates of 1 or 2 pounds per acre entail considerable hazard to wildlife.

It should be recognized that an estimate of the hazard in relation to any substance must be based upon a knowledge of the toxicity of the compound and also on the details of its use. The fact that a chemical is highly toxic does not necessarily mean that its proper use will entail a high degree of hazard. Likewise, even though heavy mortality to certain forms of wildlife may result from the application of pesticidal materials, long-term benefits derived from the control of insect pests with a resultant increase in vegetation and a reduction in ectoparasites can prove to be quite beneficial to other forms of wildlife. These and other factors in the complex picture of pesticide-wildlife relationships need a great deal more study.

The Bureau of Sport Fisheries and Wildlife recognizes pesticides as essential tools whereby man may manipulate the growth of both plants and animals to suit his needs. Intelligent use of these tools is dependent upon adequate understanding of their immediate and long-term effects on the plant and animal community. At the present time the effects of many pesticides are not fully known or understood, and their large scale use appears premature.

There is urgent need for intensification of research studies to provide basic information which can be used as a guide to the future development and application of such pesticides. To do otherwise may waste or endanger important segments of the Nation's invaluable fish and wildlife resources.

That concludes my statement.

The CHAIRMAN. Suppose the results of this study were to prove some of the injurious effects of which we have traces, how do you

envision that we could enforce this? I appreciate that would be a matter for further legislation.

Mr. PARKER. I think there may be some legislation at the present time. I wonder if I could ask Dr. Dewitt, who is our chemist on this, who handles that aspect, to answer that question.

The CHAIRMAN. We will call on Dr. Dewitt. I don't want to pose that question now because it is one we will have to meet later. I imagine it is quite a practical problem.

Mr. PARKER. Generally, I think we would find that there is legislation at the present time on it.

The CHAIRMAN. Thank you, Mr. Parker.

Our next witness is Dr. James D. Dewitt, chief chemist, Bureau of Sports Fisheries and Wildlife, Department of the Interior.

We will be glad to hear from you.

Do you have a statement?

STATEMENT OF DR. JAMES D. DEWITT, CHIEF CHEMIST, BUREAU OF SPORTS FISHERIES AND WILDLIFE, DEPARTMENT OF THE INTERIOR

Dr. DEWITT. No, sir.

The CHAIRMAN. Let me ask you the same question I asked Mr. Parker. What would you suggest that we do toward the enforcement of this bill?

Dr. DEWITT. That is a question we have no answer for. Probably the chief danger comes in the spraying operations which have been sponsored by other Federal agencies. Certainly operations by such agencies would be subject to control and recommendations which might be made for the protection of wildlife.

The CHAIRMAN. We could, of course, enforce it insofar as Government participation is concerned. That won't be very difficult. Suppose we found an insecticide that was bad for fish and wildlife. We would merely say to the Departments of Agriculture and Interior, or those handling Government lands, "Don't use it." But what about the private use of these chemicals by farmers? How could you enforce that? I suppose you could prohibit the sale of certain formulas that you have found would be injurious?

Dr. DEWITT. That could be handled under the Insecticide Act of 1947. Registration could be denied as to harmful material.

The CHAIRMAN. Is that registration required in the manufacture?

Dr. DEWITT. I believe both the manufacturer and distributor for each formulation.

The CHAIRMAN. So that if we find something on which there is no question about it being very injurious, we would deny permits to manufacture; is that the way it would work?

Mr. DEWITT. That is my understanding.

The CHAIRMAN. Do you have anything further to add, Dr. Dewitt?

Dr. DEWITT. No, sir.

The CHAIRMAN. What about some of these relatively inconclusive observations which Mr. Parker said they found? Where they were spraying for the fire ant, for instance. Do you have any other reports than those mentioned by Mr. Parker?

Dr. DEWITT. Mr. Parker has summarized most of our available information.

The CHAIRMAN. How do you get these reports? Do you go down there yourself or do they come to you voluntarily?

Dr. DEWITT. We have some members of our staff engaged in survey work. We are also dependent in large part upon the cooperation of various State agencies and other independent sources.

The CHAIRMAN. But where you know there is a great deal of spraying going on, do you send your people in there to take a look at the after effects?

Dr. DEWITT. If we have manpower available.

The CHAIRMAN. I understand that. If you have manpower available do you send them in there?

Dr. DEWITT. Yes.

The CHAIRMAN. I see that there is a bulletin here from the Sports Fishing Institute, in which they point out a lot of these things. Did that information come to you or do they do that privately?

Dr. DEWITT. They have consulted us for some information. They have obtained it from other sources.

The CHAIRMAN. They have somewhat startling incidents of fish damage. Are you familiar with that, where fish have been harmed?

Dr. DEWITT. Only through the reports, both this release and the original report.

The CHAIRMAN. We will put these documents in the record.

(The bulletin referred to follows:)

[Sport Fishing Institute Bulletin, January 1958]

SUPER INSECTICIDES—SPACE-AGE POLLUTANTS

A whole new family of lethal insecticide sprays (chlorinated hydrocarbons) was developed during and since World War II. The public is already familiar with several. Perhaps the best known is DDT.

Some significant disasters in nature have followed widespread use of this poison. An example was the repeated devastation of salmon and salmon foods by spraying DDT (for spruce budworm control) on the Miramichi River drainage in New Brunswick in 1954-56. The streams were used as spray pattern boundaries and received deadly doses.

Another example was the unfortunate slaughter in 1955 of trout and trout foods in the Yellowstone National Park. By contrast, some applications of DDT sprays for insect control elsewhere have served objectives while safeguarding fish resources.

But DDT is mild compared to dieldrin or heptachlor. These drastic poisons are being spread in massive doses over areas to exceed 20 million acres in the Deep South. Purpose is to try to eradicate the imported fire ant.

Important as the purpose is, it is not important enough to risk destroying priceless fish and other wildlife in at least five States. Apparent ignorance (lack of adequate research) and poor planning (disregard for other equally vital assets) seem responsible.

Plans of the United States Department of Agriculture are alarming. They call for application of 2 pounds of dieldrin per acre of infested area in Alabama, Florida, Georgia, Louisiana, and Mississippi. Arkansas, North Carolina, South Carolina, and perhaps Tennessee may become involved. Alarm arises because dieldrin is perhaps 20 times more toxic to fish and wildlife than DDT.

Therefore, 2 pounds of dieldrin per acre represents a dosage possibly equal to 40 pounds per acre of DDT. Obviously, there will be vast destruction of fish, game, songbirds, beneficial insects, etc.

The catastrophic effects on aquatic life of dieldrin may be appreciated from a report in the Journal of Wildlife Management for January. It describes findings by ichthyologist Robert W. Harrington, Jr., and entomologist William L. Bidlingmayer, of the Florida State Board of Health's Entomological Research Center (Vero Beach).

These biologists assessed the damage from dieldrin pellets to fish and invertebrates in the ditches of salt marshes along the Indian River, St. Lucie County, on the Florida east coast.

For several years Dr. Harrington has been studying the role of fishes in keeping down the mosquito population in Florida's farflung salt marshes. Incidentally, he encountered throughout the marshes numbers of tiny tarpon (tinier than any of previous record) feeding heavily on mosquito larvae.

Obviously, if widespread destruction of baby tarpon utilizing the salt marshes as nursery grounds should occur, it would damage the Florida tourist economy. One possible further result might be a population explosion among the mosquitoes. Such an occurrence could make living in some sections of Florida rather uncomfortable at the least.

Harrington and Bidlingmayer report that dieldrin pellets were air disseminated at the rate of 1 pound per acre over some 2,000 acres by county authorities in May 1955. Purpose was to kill sandfly larvae. This is the most extensive outdoor evaluation known to us of the effects of dieldrin on aquatic life.

Altogether, 354,000 linear feet (about 67 miles) of ditches traverse these marshes. Prior to treatment they were heavily populated with fish life. The dieldrin proved deadly. The biologists summarized their findings in part as follows:

"The fish kill was substantially complete. The minimum immediate overall kill throughout the marshes exclusive of the Indian River shoreline was 20 to 30 tons of fishes, or about 1,175,000 fishes, of at least 30 species.

"Mollusks seemed to be unharmed by dieldrin. Crustaceans were virtually exterminated throughout the area. The entire aquatic crab population was apparently destroyed.

"The large game and food fishes succumbed the soonest. Crabs set upon and destroyed the moribund fishes but next day were dead themselves. After 2 weeks no trace remained of the litter of dead fishes.

"The general absence of dead and dying fishes and the scarcity of living fishes in the marsh after 2 weeks and later suggests that much of the fish population commuting between the marsh and adjacent inshore shallows of Indian River was destroyed."

Information available since 1950 indicates the deadliness of dieldrin to aquatic forms. An example is a 1953 article by W. Mathés and K. D. Quaterman in the American Journal of Tropical Medicine and Hygiene on hydrocarbons as mosquito larvicides. Mathés and Quaterman concluded that dieldrin applied at rates of one-fourth to 3 pounds per acre is "*decidedly harmful to fish and other aquatic organisms and should never be applied in the above concentrations where these are of importance.*" [Italics ours.]

And runoff water from areas treated with dieldrin may be toxic many weeks later. United States Public Health Service scientists C. M. Tarzwell and C. Henderson conducted toxicity bioassays of such runoff waters in 1956. They concluded that, "runoff from an area extensively treated with dieldrin would adversely affect fish life."

Nevertheless, the Department of Agriculture is ready to unleash one or more of the deadliest insecticides in its arsenal—dieldrin, heptachlor, etc.—in an attempt to halt the march of the fire ant. Implications are the more tragic in the event, entirely possible, that the eradication method chosen should fail.

We wonder, consequently, whether present plans are entirely responsible in concept? Doubt on the point is increased because the program has apparently been developed without due consideration to probable harm to fish and wildlife resources. The price of past laxities in pest control work apparently comes high.

But we doubt if 25 million sportsmen, especially the 5 millions in the South (about 20 percent of the population) directly affected, will stand by dumbly like stupid sheep. The sporting public is too well aware of past examples of damage to fish and wildlife resources from poor planning to take current propaganda on faith.

A carefully formulated program would be predicated on sound, balanced biological research, proper eradication principles, and tight operational control. Such a program would safeguard vital fish, game, songbirds, and beneficial insects. It would also find widespread support rather than opposition.

There must be decided improvement in methods. Ironclad safeguards are needed to prevent fearsome pollution of water and land habitat and to protect sport fishing in particular. Nationally, the sport fisheries support a \$2 billions sport fishing industry. Well over \$500 millions of this are generated in the threatened States.

Angling has an economic value now being threatened on a par with many of the agricultural commodities that the fire ant program seeks, perhaps in vain, to protect. When dieldrin or any similar poison drifts or drains "by mistake" into fishing waters, we will find that dead fish are a very poor trade for dead ants. (To say nothing of probable effects on songbirds, game, beneficial insects, soil bacteria, etc.)

For example, recreational fishing in Tennessee generates \$41 millions in business annually. This is close behind dairying at \$68 millions or tobacco production at \$63 millions.

In Texas, anglers spend \$122 millions out fishing each year. Alabama citizens spend \$36 million a year—well ahead of hogs, dairy products, eggs, forest products, peanuts, or cottonseed. Annual purchases by anglers pump about \$300 millions into Florida's economy. It would seem incredible—except for the contrary evidence—that such values would be jeopardized by deliberate, wholesale pollution of vital resources under the banner of a great Federal agency.

We submit that a little knowledge is a dangerous thing. What the Department of Agriculture does not seem to know is what may really hurt America.

If the fire ant control project proceeds as planned, much of the Nation's irreplaceable recreational fish and wildlife resources may be damaged beyond repair. Even worse, it might provide the spark to ignite new and terrifying population explosions throughout the insect world.

This dire prediction was made by three Harvard University biologists. They warned that "the final results might well be the emergence of new insect pests once they have been freed from the natural enemies that held them in check." These men (W. L. Brown, H. W. Levi, and E. O. Wilson) are specialists in various aspects involved.

The key question is, Do we have the knowledge to achieve effective control of the fire ant, yet prevent wholesale disturbance of nature's system at the same time? And where is the proof that fish and other forms of wildlife will be unharmed?

It is high time, in our opinion, that the Nation's 25 million citizen anglers and the \$2 billion sports fishing industry should receive consideration in plans of this dimension and consequence. Further, we suspect the day is long gone when the vast army of voting outdoor recreationists of all sorts—at least 50 million strong—will tolerate mistreatment of living resources.

Indeed, this entire problem of superpollution by space-age chemicals and radioactive wastes needs to be brought into proper focus very soon. Only a broad scale biological research program can meet the urgent needs of the day. The chief threat to survival of our society lies within, not outside our borders. The real enemy is the fifth column of intellectual mediocrity.

We believe that the key role of the biological scientists must become recognized and encouraged at the outset of the space age. Otherwise, our Nation may become so polluted by poisonous compounds discovered by chemical scientists that whole regions may become uninhabitable.

In that event, there will be little left to protect with the missiles and rockets being developed by physical scientists and engineers.

The CHAIRMAN. I have no further questions, Doctor, unless you have something further to add.

We will keep the record open for any further information you may have.

I understand Mr. Gutermuth is returning from the wildlife conference in St. Louis, and is not here. We will leave the record open for his statement.

The next witness was to be Mr. Packard, but I understand he is unable to be here. We will leave the record open for Mr. Packard's statement.

(Mr. Packard's statement is as follows:)

NATIONAL PARKS ASSOCIATION,
Washington, D. C., March 11, 1958.

Senator WARREN G. MAGNUSON,

*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: I regret that the necessity of undertaking 2 weeks Naval Reserve duty prevented my appearing before your committee to testify in support of S. 2447 at the recent hearings. The National Parks Association is strongly in favor of the enactment of this legislation. It would be appreciated if this letter could be incorporated into the official record of the hearings.

S. 2447 would provide funds for studies of the effects on fish and wildlife resources of the present widespread use of chemical insecticides and pesticides. The dangers inherent in employing the powerful poisons of today without thorough knowledge of what the results will be on all forms of life, not solely the species under attack, are so great as to make such studies imperative. As guardian of the health and welfare of the American people, and as administrator of large acreages of public land, the Congress rightly is concerning itself with this problem. This legislation should be enacted promptly. Its only defect is that it provides far too little money for the purpose. The \$280,000 recommended should be multiplied to 10 times that amount for immediate use; and even that will not be sufficient to provide all the facts needed.

There has been done a moderate amount of research on the effects of DDT on wildlife and human populations, and it has been demonstrated that great care must be taken to avoid concentrations of DDT which will prove lethal to many fish, birds, and other animals. On one occasion, I picked up more than 800 dead and dying birds, ranging in size from sandpipers to egrets, which had been subjected to DDT spraying over a lagoon near the naval air station at Corpus Christi, and autopsy by the chief medical officer proved DDT to be the cause of their death. Others have reported countless other similar instances. Yet DDT is but a mild poison compared with the more potent chemicals now being used to destroy fire ants and other insects on agricultural and forest lands. They are so powerful, in fact, that scientists are seriously alarmed lest the soil microbiota—the tiny organisms that give life to the soil and on which all crop production depends—be destroyed with resultant sterilization of the soil itself. Should this fear be justified, the use of such chemicals could doom the very agricultural economy they are designed to benefit.

This is a worldwide problem. America has produced these chemicals, and they are in use throughout the world. As has been true of certain other American contributions to world conditions, this one may prove in the end to have been an unfortunate blessing. The International Union for the Conservation of Nature and Natural Resources has held several international conferences at which scientists from more than 30 nations have discussed this subject. These outstanding authorities have presented documentation about what chemical poisons, mainly DDT, have done to the wildlife in their own countries—in France, in Canada, in the Belgian Congo, and French West Africa, in Great Britain, and in many other lands. They are decidedly worried.

Since the technique of using chemical poisons has been a contribution of the United States to the agricultural and forest practices of the world, it seems proper that the United States should undertake a reasonable measure of re-

search to find out what the results have been and will be. These chemicals are already in use; the places they are being applied are natural laboratories in which to determine the essential facts. Whenever a major program is undertaken which involves use of such chemicals on a large area, part of the funds so expended should be allocated to appraising the results, not only as relates to the target insect, but on all other living organisms, including man, which occupy the region. It is not enough to send a single biologist there part of the time. The study should be thorough and complete, so the end results will have significance. The problem is too serious and the danger too imminent, to permit of delay. S. 2447 should be enacted now, before the damage assumes proportions beyond control.

Yours sincerely,

FRED M. PACKARD,
Executive Secretary.

The CHAIRMAN. Next is Mr. John Baker.

STATEMENT OF JOHN H. BAKER, PRESIDENT, NATIONAL AUDUBON SOCIETY, NEW YORK, N. Y., AS READ BY DR. HAROLD PETERS

Mr. PETERS. I am Mr. Peters. I am representing him. Mr. Baker has an appointment in California which prevents him from being here. I have a statement which he prepared and has submitted to your committee, which I should like to read for the record.

The CHAIRMAN. Please proceed.

Mr. PETERS. This is a statement as prepared by Mr. Baker, president of the National Audubon Society.

There has been extensive development of public opinion since S. 2447 was introduced on July 2, 1957; this with relation to broadcasting of toxic chemicals over massive areas.

In our opinion, it would, therefore, seem desirable to rewrite this bill to reflect more adequately the public's alarm and its awareness of the urgency of prompt and adequate research of broad scope on this exceedingly important topic.

Rather than suggest specific changes here and there, we venture to recommend substituting the following:

A BILL To authorize and direct the Secretary of Health, Education, and Welfare to undertake, with the cooperation of the Secretaries of Agriculture and Interior, continuing studies of the effects of the broadcasting or other methods of distribution of chemical sprays and mists on human beings, domestic livestock, wildlife, and organisms in the soil, for the purpose of determining the toxic effects on these resources of all available chemicals, emphasizing the cumulative effects, otherwise known as chronic toxicity

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Health, Education, and Welfare is authorized and directed to undertake comprehensive continuing studies of the effects of chemical sprays and mists on human beings, domestic livestock, wildlife, and organisms in the soil, for the purpose of determining the toxic effects on these resources of all available chemicals, with emphasis on the cumulative effects, otherwise known as chronic toxicity.

SEC. 2. The sum of \$25 million per annum is hereby authorized to be appropriated to carry out the objectives of this act.

That is the end of the suggested bill in lieu of S. 2447.

I have a comment here which Mr. Baker appended to his statement. Some of the committee may be startled at the suggestion of expenditure amounting to \$25 million per annum and may not be aware of the fact that the Advisory Committee on Fish and Wildlife to the Department of the Interior unanimously recommended, last November 15, that the Department of the Interior set up a special

research program of this character requiring an annual budget of \$25 million and that it carry out the work speedily and adequately. The rapid growth of use of control chemicals is testified to by the fact that recent sales by the industry producing and selling them have been at a rate in excess of \$250 million per annum.

We would recommend against lodging primary research responsibility in any Government agency engaged in using chemical controls. The use of toxic chemicals for the purpose of protecting agricultural and forest crops has now skyrocketed to the point where cumulative secondary poisoning of human beings, let alone domestic livestock, wildlife and organisms in the soil, may become catastrophic. The American public is fast becoming aware of the threat to its well-being through the broadcasting of such chemicals and will, in our opinion, strongly support an adequate research program promptly set up and adequately financed.

That is the end of Mr. Baker's statement. If you would permit, I would like to interject a few words.

The CHAIRMAN. Do you know why he selected the Department of Health, Education and Welfare?

Mr. PETERS. Because of the tremendous possible cumulative effect of these chemicals on human beings from the fact that the chemicals are going in the soil.

The CHAIRMAN. I think he is a little unfamiliar with this. I can understand why the words "health and welfare" might throw a man off a little bit. After all, they are primarily a financial institution down there, giving grants in aid to different aspects of the welfare program. Of course they do get involved in the Government's participation in health in a small way. Thinking out loud, I think this research might be a job for the National Science Foundation with a big program, where they could gather together all the people such as Dr. Dewitt and outsiders and State people, and look at the whole broad picture of what is happening to us on this matter. That is a matter of detail.

Mr. PETERS. We are particularly aware of the work that the Public Health Service, the communicable diseases people, have done in working on the effects of these chemicals on humans, and of course on laboratory animals also. I think that is the reason that Mr. Baker suggested that, thinking that the Public Health Service should benefit by moneys which may be appropriated in following this bill.

The CHAIRMAN. Let me ask Dr. Dewitt a question. You people always mention dust or solids or liquids. Is there any gas ever used in this field?

Dr. DEWITT. Not in the usual form for insects or plant control.

The CHAIRMAN. It is usually a dust or a liquid?

Dr. DEWITT. Right.

The CHAIRMAN. Go ahead, Mr. Peters.

Mr. PETERS. It is frequently in granular form like they are using in the southern fire ant control right now. The Audubon Society takes this tack: We realize that these pests have to be controlled, but we are in favor of direct treatment on infested or infected areas, rather than broadcast treatment of partially infested areas and partially uninfested areas. We know that these chemicals are very costly to everybody if they are mishandled, and we believe it would be far

better to limit the application to only the infested areas, the known areas of infestation, rather than broadcast them from a fast-flying airplane.

The CHAIRMAN. Most farmers or orchardists—I am more familiar with the orchardists, probably—never spray infected areas, they have preventive spraying. It would be somewhat difficult, I suppose, if a man had X number of acres of land, to tell him what he could do.

As Dr. Dewitt points out, you might be able to prevent him getting ahold of something that would be injurious, definitely injurious, but if it was available to him legally I suppose you would have quite a difficult problem.

Mr. PETERS. I think you have a definite problem there in the orchards.

The CHAIRMAN. His neighbors might have a suit against him for something injurious, but on his own land I don't know how you could legally stop him.

Mr. PETERS. In some of these control campaigns they spray property without the consent and against the wishes of the landowners.

The CHAIRMAN. Where Government lands would be involved there would be no problem. You could have direct control of that project.

Mr. PETERS. One of the important control projects under way right now is in the Southeastern States on the fire ant. I was down there to see how it is getting along. It is well under way by aerial spraying. There they spray different types of infestation. They also spray some lands which are not infested. There again is where we recommend that only the infested and local areas should be done by ground treatment rather than broadcasting by airplane.

The CHAIRMAN. But what if a man doesn't spray and finds that the fire ant shows up and he is infested. It is too late for him.

Mr. PETERS. He can then treat them.

The CHAIRMAN. It does pose some problems.

Mr. PETERS. Yes, sir; it really does.

The CHAIRMAN. If we had a good study of this we could set out certain things that we absolutely know are injurious, and then get at the source of manufacture so that they wouldn't be available to people indiscriminately, under the 1947 act that Dr. Dewitt mentioned.

Mr. PETERS. Deplore the fact that this big control campaign is under way without necessary basic research which would better indicate the best way of controlling the insect while protecting other beneficial insects.

The CHAIRMAN. Suppose you found a formula of some kind that is being used, and you just directly fed it to wildlife, fish, pheasants, or woodcocks in say minute amounts that might be sprayed, and you found it was injurious to them. Wouldn't you know definitely if that was sprayed on an area that it would be harmful to wildlife, without going down to the area? You wouldn't even have to go to the area?

Mr. PETERS. That has been done under Dr. Dewitt's direction at Patuxent Refuge, so he knows quite a lot about that.

The CHAIRMAN. I suppose you could even do it under the broad purposes of the Food and Drug Act if you wanted to.

Thank you. Now we will hear Charles E. Jackson, general manager, National Fisheries Institute, Inc., Washington, D. C.

**STATEMENT OF CHARLES E. JACKSON, GENERAL MANAGER,
NATIONAL FISHERIES INSTITUTE, INC.**

Mr. JACKSON. Mr. Chairman, I have a very brief statement.

My name is Charles E. Jackson. I am general manager of the National Fisheries Institute, Inc., Washington, D. C., a trade organization composed of approximately 500 firms located throughout the United States and Alaska. Our membership encompasses producers, boatowners, processors, canners, freezers, smokers, wholesalers, and brokers of fish and shellfish, including producers, processors, and distributors of fishery byproducts used principally for feeding poultry and livestock.

The subject matter of this legislation was considered at our annual convention held in Chicago, Ill., April 28 to May 1, 1957, and at that time our board of directors unanimously went on record in support of legislation as embodies in S. 2447.

All segments of the fish and shellfish industry are becoming alarmed over the ever-increasing indications from Federal, State, and private research sources that many insecticides, herbicides, and fungicides now in use are destroying our fish and shellfish resources. It is essential that adequate basic data become available promptly to the end that necessary controls can be put into force to prevent this useless destruction of vital natural resources urgently needed by mankind. The use of chemicals in spraying forests, crops, and marshes for control of insects has now become so widespread that the Nation faces losses of protein food that it can ill afford.

We regard this legislation as an emergency measure and sincerely hope Congress will adopt this legislation promptly and follow with adequate appropriations to get the work underway.

The CHAIRMAN. Thank you, Mr. Jackson. I am familiar with the discussions that you people had on that. This would apply to fish in particular.

I don't think we have any data on runoffs from areas that might be sprayed.

Mr. JACKSON. We don't have a great deal of information, and we need it, particularly on shrimp and shellfish. We have reports that it is injurious. In the menhaden industry, which accounts for almost half the total production of fish, they are very much concerned over proposed projects in Louisiana. There is a lot of evidence it will destroy menhaden spawning areas, and it is true of other food fishes.

The CHAIRMAN. Is there some quite conclusive data on the effect of any of these things on shellfish?

Mr. JACKSON. Yes, but we need more. We need to remedy the situation.

The CHAIRMAN. Thank you, Mr. Jackson.

Mr. Zahniser, executive secretary and editor, The Wilderness Society.

Mr. CALLISON. He is not here. He has been ill, Mr. Chairman, but he will have a statement, I am sure.

The CHAIRMAN. We will have him put that in the record.

Next is Mr. H. S. Mosebrook, American Pulpwood Association, New York City.

**STATEMENT OF H. S. MOSEBROOK, AMERICAN PULPWOOD
ASSOCIATION, NEW YORK CITY**

MR. MOSEBROOK. Mr. Chairman, I am Harry S. Mosebrook, forester for the American Pulpwood Association.

We appreciate this opportunity to testify before your subcommittee representing the pulpwood, pulp, paper, and paperboard industries as a whole. This association, I would like to say, is composed of pulpwood producers, dealers, and consumers of pulpwood and others directly or indirectly concerned with the growing and harvesting of pulpwood, the principal raw material used in the manufacture of paper and paper products. The headquarters of the association is at 220 East 42d Street, New York City.

The pulpwood industry is testifying before your subcommittee in support of S. 2447 but offering amendments intended to broaden the scope of the study of the effects of insecticides, herbicides, and fungicides to include its effects upon human beings, domestic animals, a general study of the effectiveness of control measures in pest control, and the economic factors involved in pest-control programs.

THE CHAIRMAN. Before you go any further, Mr. Mosebrook, I would like to ask, generally: Mr. Jackson mentioned a little bit of the emergency nature of this because of the great growth of the use of these products. The bill, as I introduced it, and as Congressman Metcalf introduced it, apparently inadvertently left out any time element involved here. I wonder if the bill wouldn't be stronger if we said that the Department shall make its report to Congress within X number of months, so that we can get at it. Otherwise, knowing departments as I do, this might drag on for a long, long time. I throw that suggestion out. I think I will prepare some language to that effect.

Go ahead.

MR. MOSEBROOK. While we endorse the principles of S. 2447, we would like to recommend specifically that the bill be amended in substance as follows: First, we would like to see the study of the effect of insecticides, herbicides, and fungicides upon humans and domestic animals as well as fish and wildlife.

We would also like to see studies of the effectiveness of the application of insecticides, herbicides, and fungicides in forest and agricultural pest control; also a study of the economic factors involved in pest control programs.

And because of the recommendations that we are making to broaden the scope of this study, we believe that the study of it should be a joint responsibility of the Secretaries of Interior and Agriculture.

THE CHAIRMAN. That is what I suggested here to the first witness. I think the bill is broad enough if the report would direct these studies, which we often do. We put in the report a directive as to what the bill should cover, showing the intent of Congress. It will probably cover all the suggestions you made. I think there is no question about it that we should. This is a big, broad thing.

MR. MOSEBROOK. It is a tremendously broad problem as far as our industry is concerned, Mr. Chairman.

The pulpwood, pulp, paper, and paperboard industries depend upon wood as their principal raw material. Hence our industry is concerned with forestry measures and effective utilization of forest land which will supply all of the anticipated future demands for this commodity. A Department of Commerce study predicts that consumption of pulpwood will increase another 47 percent from 1956 to 1965, and the same study recommends that present trends in forestry and more effective use of all commercial forest lands will be necessary to meet anticipated future demands. The pulpwood industry is concerned that effective control programs be continued to control forest pests for we are keenly aware, as we recognize the need for the study, of the toll which insects and diseases take from our forests each year.

The Timber Resource Review Report of the United States Forest Service in its preliminary report states that insects were responsible for 40 percent of all the mortality of sawtimber in 1952 and 28 percent of the mortality of growing stock. There are many different kinds of insects which are important destroyers of wood, but bark beetles alone are the most important group and are responsible for 90 percent of insect-caused mortality. Diseases outrank all other causative agents in their total adverse effects on forest productivity, and account for 45 percent of the growth impact caused by all destructive agents.

There can be little doubt that pesticide programs are of great economic importance to the forest industries and to the Nation. In 1956 alone, over 3.4 million acres of forests were sprayed, and a recent survey indicates that the forest industries are spending over a million and a half dollars each year on insect and disease control programs, in addition to that spent by State and Federal control agencies as part of a cooperative program. The economic importance of these forest areas is unquestioned, and likewise the continuation of insect and other pesticide control programs.

The CHAIRMAN. In some cases—I know in our section of the country where we have private lands, State lands, and Federal lands all mixed up—there is a cooperative program of spraying in which the cost is pro rated, involving sometimes thousands of acres.

Mr. MOSEBROOK. That is provided for by the Forest Pest Control Act of 1947.

The CHAIRMAN. There you could have some control because you are all under one group.

Mr. MOSEBROOK. Yes, sir. We believe that effective safeguards should be applied to the spraying programs.

The CHAIRMAN. If something was wrong we could effectively correct it.

Mr. MOSEBROOK. At the same time we think the control programs themselves should not be abruptly discontinued.

The adoption of the Forest Pest Control Act on June 25, 1947 marked the beginning of a new day in the prevention of extensive losses caused by forest pests. This act has provided for the planning, surveying and prompt control work which has gradually been improving our knowledge of forest pests so as to prevent future catastrophic outbreaks. It is of vital importance that this work go forward. At the same time, we believe that S. 2447 will provide some of the long-term research which will give us solid answers to some

of the perplexing problems involved in the use of insecticides, which have been pointed out here this morning.

In recommending that S. 2447 be amended in substance, we do not wish to detract from the study of the effects of insecticides, herbicides, and fungicides upon fish and wildlife, inasmuch as we recognize the basic importance of these resources, but at the same time we think it equally important to determine their effects upon humans and domestic animals. It is important to broaden the study to determine the effects upon humans and domestic animals. If the study is to be broadened it should involve both the Departments of the Interior and Agriculture, inasmuch as the Department of the Interior includes the Fish and Wildlife Service, while the Agriculture Department includes the Agricultural Research Service with jurisdiction over plant quarantine and plant pest research, and the Forest Service, with jurisdiction over forest pest control and research programs. A joint study by these two departments would provide the broad type of research of the effects of insecticides and pest control programs which we are asking this subcommittee to consider favorably.

The pulpwood industry respectfully urges this subcommittee to report S. 2447 favorably, amended in substance as herewith recommended.

The CHAIRMAN. In effect your group feels that this study would be a very valuable thing to the forests of the country, and that it should be broad enough to cover the overall effects, not only fish and wildlife but domestic animals and other?

Mr. MOSEBROOK. Yes, sir.

The CHAIRMAN. We hesitate to go into the problem of pollution here with you at this hearing as that would cause us to be here all day.

Thank you.

Mr. MOSEBROOK. Thank you very much.

The CHAIRMAN. Mr. Callison?

STATEMENT OF CHARLES H. CALLISON, CONSERVATION DIRECTOR, NATIONAL WILDLIFE FEDERATION, WASHINGTON, D. C.

Mr. CALLISON. Mr. Chairman, my name is Charles H. Callison. I am conservation director of the National Wildlife Federation, which is an organization composed of State wildlife federations and State sportsmen's leagues and councils, including in your own State the Washington State Sportsmen's Council.

We have just concluded our 22d annual convention in St. Louis, Mo. I have a brand-new resolution adopted out there, supporting the objectives and principles of S. 2447 which I should like to put into the record and comment on.

The CHAIRMAN. We will put that in the record in full.

(The resolution follows:)

NATIONAL WILDLIFE FEDERATION, 22D MEETING, ST. LOUIS, MO., FEBRUARY 28,
MARCH 1 AND 2, 1958

RESOLUTION NO. 8—RESEARCH ON CHEMICAL PESTICIDES

Whereas chemical insecticides, herbicides, and fungicides are being widely used in increasing quantities by the United States Department of Agriculture and other agencies upon public and private lands and waters in the United States:

Whereas some chemical pesticides are known to have harmful side effects upon plants and animals other than those for which control is desired, but little is known about the immediate and cumulative effects upon other species and upon the ecology of an area ; and

Whereas an emergency is known to exist, therefore be it

Resolved, The National Wildlife Federation urges the Congress of the United States to enact authorizing legislation and provide the necessary appropriations for and the executive agencies to undertake adequate and realistic research programs to determine the effects of such chemicals and safe rates and methods of application, and recommends that no large-scale eradication program be initiated by any Federal agency prior to the completion of such research program ; and be it further

RESOLVED, The Federation specifically endorses the principles of H. R. 783 and S. 2447 as pending in the 85th Congress, but recommends the authorizations proposed in these bills be sufficiently increased to provide an adequate program of research into the effects of chemical pesticides upon fish and wildlife resources.

Mr. CALLISON. It was adopted unanimously by the delegates. Turning to your own Washington State Sportsmen's Council, you will be pleased to learn, Mr. Chairman, that the annual plaque awarded by the National Wildlife Federation to the State organization adjudged to have rendered the most distinguished service in conservation during the preceding year went this year to the Washington State Sportsmen's Council.

Mr. Wynn Dickerman, president of the council, received that award in St. Louis. Two years ago he won it, also. You have a good organization out there.

The CHAIRMAN. We are on our toes out there. I am very proud of our Washington State Sportsmen's Council.

Mr. CALLISON. I will be very brief.

Our organization is greatly concerned about the effects, the immediate and long-range cumulative effects of the many different chemical pesticides that are in use. We think we need a great deal of research just as quickly as we can get it to determine what those effects will be, and to determine safe methods of application. We are not proposing that important pest-control programs be eliminated, but we think with adequate research many of them could be even more effective while minimizing damages to fish and wildlife resources and other natural resources.

We should like to indorse the suggestion made by Mr. Mosebrook and others here that this program should be broadened to include work done under the Secretary of Agriculture. We think that is entirely in order. Certain areas of impact or effect of the use of chemical pesticides properly come under the work done by the Agricultural Research Service.

In a recent conference that some of us had representing national conservation organizations with Assistant Secretary of Agriculture Peterson, we raised that question and made the recommendation that their own research in this field should be greatly expanded.

They are presently engaged in the fire ant control that was authorized by Congress in the last session and for which Congress made an appropriation. That is becoming controversial because no one knows for certain, as Mr. Peters pointed out, and one of the previous witnesses representing the Audubon Society, no one knows very much about the particular chemicals being used in that control program. They don't know how long they will remain in suspension in the soil, what the long-range effects of those chemicals in the soil may be upon

many other different organisms, including the microorganisms of the soil which have a great deal to do with the productivity and health of the soil through the years. We may find out things, through an adequate research program, things about the chemicals which are important to the whole field of agriculture as well as conservation.

Should you amend the bill to broaden the research to include the work done under the Secretary of Agriculture, as well as under the Secretary of the Interior, in a cooperative way, we think the authorization should be considerably increased.

We regard the proposal of \$280,000 for a study of the fish and wildlife aspects as minimal. We should like to see that doubled, perhaps. That probably will be more realistic, just for that phase of it.

The CHAIRMAN. Both departments will have the prime responsibility to put in their budget the amount of money they will need to do this job. If that is done, I think Congress—speaking only for myself—would be sympathetic. If they don't put it in their budget, then that poses another difficult problem.

I don't know how we picked the \$280,000 particularly, but that was a minimum program. Of course actually both departments can put it in their budgets right now if they want to.

Mr. CALLISON. We understand that is correct.

The CHAIRMAN. You don't need this bill.

Mr. CALLISON. This is congressional encouragement, I might say.

The CHAIRMAN. They don't need this bill. They can go right ahead and ask Congress for it.

Mr. CALLISON. We believe it is important as congressional encouragement and in a sense a congressional directive to the Bureau of the Budget and to the departments to get something started in this important area.

I will read the last of the resolution, if I may.

The CHAIRMAN. Yes.

Mr. CALLISON (reading) :

The federation specifically endorses the principles of H. R. 783 and S. 2447 as pending in the 85th Congress, but recommends the authorization proposed in these bills be sufficiently increased to provide an adequate program of research into the effects of chemical pesticides upon fish and wildlife resources.

In other words, we think the \$280,000 isn't enough. I think this legislation was introduced by Mr. Metcalf last year, and you introduced it too, in the last session. I think the importance of this problem and the magnitude of it is just now breaking into the consciousness of all of us, including the Federal agencies involved.

The CHAIRMAN. And you also believe that they should go into this question of the effect on human beings?

Mr. CALLISON. I think that is extremely basic.

The CHAIRMAN. We should know what combination of chemicals could be disastrous.

Mr. CALLISON. Mr. Chairman, that concludes my statement, unless there are questions.

The CHAIRMAN. We will leave the record open for these other people whom you answered the roll for today.

Mr. Pomeroy, I understand you have a very short statement on the insecticide bill. Mr. Kenneth Pomeroy represents the American Forestry Association.

STATEMENT OF KENNETH POMEROY, ON BEHALF OF THE AMERICAN FORESTRY ASSOCIATION

Mr. POMEROY. Mr. Chairman, we appreciate this opportunity to appear before you.

I am Kenneth Pomeroy, representing the American Forestry Association. This is an organization of private citizens all interested in the protection and wise use of the forests.

The American Forestry Association is strongly in favor of the proposal in S. 2447 to intensify studies of the effects of insecticides, herbicides, and fungicides.

In addition, we urge that the scope of this research be broadened to include the entire field of insects and diseases control, and to embrace all agencies with a responsibility for any phase of this vital work. The entire subject is one of grave importance. Its urgency cannot be minimized. Not only is it necessary to determine the effect of various chemicals upon fish and wildlife, but it is necessary to control destructive insects and diseases. Otherwise the forests that provide a haven for wildlife, as well as protection for the headwaters of streams, will in themselves be destroyed.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Pomeroy, your position is somewhat similar to Mr. Mosebrook's, that it should be a broad study.

Mr. POMEROY. Quite similar.

The CHAIRMAN. I hope no one will get the impression that the objective of this bill is to prevent something from being done, because we might, with the right kind of research, find that we can be even more effective with controls.

Mr. POMEROY. That is our purpose.

The CHAIRMAN. Pest controls.

Mr. POMEROY. That is our purpose. We feel that the facilities in the Agricultural Research Service, Forest Service, in universities, and in other agencies, should all be brought to bear.

The CHAIRMAN. Thank you, Mr. Pomeroy.

Have I missed anyone on S. 2447?

(No response.)

(Thereupon, the subcommittee proceeded to the consideration of other business.)

(The following material was received for the record:)

THE IZAAK WALTON LEAGUE OF AMERICA, INC.,
Washington, D. C., March 6, 1958.

HON. WARREN G. MAGNUSON,

*Chairman, Subcommittee on Merchant Marine and Fisheries,
Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: The Izaak Walton League of America is a national membership organization dedicated to the conservation and wise use of America's soil, woods, waters, and wildlife. It has a deep interest in several important pieces of legislation now before your subcommittee, and appreciates the opportunity to offer brief comments concerning them.

S. 2447

This bill would authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of pesticides upon fish and wildlife for the purpose of preventing losses of these resources following spraying, and to seek basic data on chemical controls leading to their use with minimum detriment to fish and wildlife.

There has been very rapid development of new lethal chemical sprays during and since World War II. This has been matched by a vast increase in their use to control a wide variety of pests, with increasing millions of acres being sprayed each year. This is witnessed by the size of the chemical spray industry with an annual production of \$500 million currently and an estimated growth to \$2 billion by 1975.

This development, however, has in no way been matched by research to determine the collateral effects of widespread spraying on fish and wildlife. There have been severe and spectacular instances of fish and wildlife kills resulting from spraying. Such dramatic incidents draw immediate attention and quick effort to prevent reoccurrence. Perhaps of far more importance in the long run will be cumulative effects in a wildlife species, deterioration of reproductive vigor, or in ability to withstand predation and other natural controls.

Answers to such questions will be found only after patient and continuing basic research, of which there is little or none at present.

Science will continue its discovery of more and powerful chemicals, and we can expect that they will be used on a broader scale year after year. The facts as they are known all point to the need for expanding research programs. S. 2447 would provide an important step in that direction, consequently its purpose and objective is heartily endorsed by the Izaak Walton League.

Respectfully,

J. W. PENFOLD, *Conservation Director.*

STATEMENT OF DR. SPENCER M. SMITH, JR., SECRETARY OF THE CITIZENS COMMITTEE ON NATURAL RESOURCES

The Citizens Committee on Natural Resources is especially happy to support S. 2447, an attempt to obviate serious loss to fish and wildlife resources from the use of insecticides, fungicides, and similar pest-killing chemicals.

It seems most important that such a study be undertaken in order to determine the ultimate effect upon the public interest. If it be determined that the widespread use of pest-killing devices does more harm to resources than it does good for those they seek to protect it would appear that some kind of restraining legislation or programing would be necessary to control or direct the usage. In resource allocation and management there often appears to be conflict of interest, and it is important to determine wherein the public's welfare lies. This certainly cannot be done without careful research, for from some such research would come the protection of fish and wildlife resources with judicial usage of pest-killing chemicals.

We hope the committee will undertake a most serious deliberation of this problem and recommend the study be undertaken.

THE CONSERVATION FOUNDATION,
New York, N. Y., February 21, 1958.

Senator W. G. MAGNUSON,
Chairman, Subcommittee on Merchant Marine and Fisheries,
Washington, D. C.

(Attention Mr. Harry C. Huse.)

DEAR SENATOR MAGNUSON: In behalf of the New York Zoological Society and the Conservation Foundation, I am glad to respond to your recent invitation (through Dr. John L. George) to file a statement relating to Senate bill 2447. We deeply appreciate the opportunity to do so, as we strongly believe that the need for more certain knowledge of the effects of pesticides on fish and wildlife is our most important immediate need in the field of wildlife conservation. There is no need for me to stress that the preservation of wildlife resources of our country is a most vital concern to millions of Americans.

As you may know, our two organizations felt so strongly about possible dangers to the biotic environment from large-scale applications of chemicals, from the air or otherwise, that last year we sponsored a review of past scientific findings on pesticide effects, particularly on wildlife. Copies of this report, the Pesticide Problem, by Dr. John L. George, associate curator of mammals, with the New York Zoological Society, have been sent to your committee. I might add that Dr. George's review has received much comment in the press,

and numerous requests for copies in quantity have come in from many parts of the country. His recommendations on pressing research needs in this field bear directly, it seems to me, on the substance of Senate 2447, and I summarize several of his main conclusions below:

1. Field versus laboratory testing: Pesticides already in use have been tested for acute toxicity on laboratory populations. (Acute toxicity refers to toxic effects that are severe or lethal, immediately resulting from a single exposure to one application of a pesticide.) But the effect of the chemical in actual field conditions may be different, as it often may persist, and be absorbed by living populations in several ways at once; that is, not only orally but also through the skin, in breathing, or in food. Field studies are now most inadequate and we cannot now predict fully the effects of application of any pesticide on wildlife populations.

2. Acute toxicity versus sublethal effects: Acute toxicity or percentage of mortality of a population is one measure of possible hazard, but perhaps not always the most significant one in the long run. Knowledge of sublethal effects over appropriately long test periods is now very limited, but some evidence available indicates disturbing sublethal effects such as persistently reduced reproductive capacity (birds) and lower survival rates. Certainly further studies should be conducted on sublethal effects.

3. Long-term biotic balance: The biotic changes that result from pesticide application are probably quite complex. So far as we know, there has been no thorough study done on a single area over a reasonably long period of time. A fundamental population study dealing with known marked individuals over a period of time on both treated and untreated experimental areas is long overdue. Until a study of this nature is made, there will be no answer to charges that the biotic balance of an area is being seriously upset. The interaction of biotic changes in habitat, population density, biochemical cycles, food chains, etc., is not easy to study. Results will not be forthcoming in a single year or even, in some cases, in several years. Yet fundamental studies of this nature must be made unless we are to continue in a state of ignorance, possibly dangerous ignorance.

I attach, also, copies of a recent article by Dr. George, *It's High Time We Solve the Pesticide Problem*, which appears in the January-February 1958 issue of *Animal Kingdom*, the magazine of the society.

In our view, the need is really urgent for research that will define the limits in the safe use of pesticides. The statistics of the amazing and rapid increase in the making and use of such chemicals are familiar to you, I am sure. We do not question the real benefits in reduced insect and disease damage. But the striking thing is that all signs point to a continuing of this high rate of increase in production and use. And research on the part of manufacturers undoubtedly will turn out many new compounds. As Dr. George has put it, "No one disputes the toxic nature of these chemicals to all forms of life, but it is hard to determine what BHC is doing today when dieldrin will be used tomorrow and another chemical the next day. The studies of the effects, both short and long range, lag far behind the productivity of the chemist and the pesticide industry." Granted that research by manufacturers will often result in compounds that are more selective and specific in their action, field studies of effects on fish and wildlife are still most inadequate, and are inadequately supported. Funds for control of pests have been more liberal than funds for research on the effects of the control operations.

With much appreciation again for this opportunity for an expression of views about this vital matter,

Faithfully yours,

J. WINFIELD OSBORN, *President*.

(The documents referred to in this letter are on file with the committee.)

STATEMENT OF C. R. GUTERMUTH, WILDLIFE MANAGEMENT INSTITUTE,
WASHINGTON, D. C.

Mr. Chairman, I am C. R. Gutermuth, vice president of the Wildlife Management Institute, which is one of the older national conservation organizations in this country. The institute is dedicated to the improved management of natural resources in the public interest, and its program has been continuous since 1911.

The conservation organizations are wholeheartedly in support of the objectives of S. 2447, and its companion measure, H. R. 783. The use of chemical compounds for the control of undesirable insects and plants has increased markedly since World War II. The volume of chemicals used for control purposes in the United States in 1956 was 7 times greater than in 1940.

"Over \$500 million worth of pesticides were produced for retail sale in the United States in 1956," the United States Fish and Wildlife Service reports in its new leaflet *Pesticides and Wildlife*.

Production by 1975 is expected to exceed \$2 billion worth annually. Farmers bought 60 percent of the total in 1956, and the remainder, more than a half-billion pounds, was purchased for nonfarm use. Over 200 basic pesticides and more than 6,000 brand-named products now are on the market.

While I have not been able to determine the total acreage treated during any recent year, the magnitude of the spraying can be exemplified by the fact that, in 1956, the Federal Government sponsored programs for the treatment of 65 million acres of cropland and 2 million acres of forest. Control programs of the Department of Agriculture last year accounted for the spraying of about 7 million acres for gypsy moths, spruce budworms, grasshoppers, Mediterranean fruit flies, and other insect pests.

We are using new and extremely potent controls without knowing their far-reaching effects. Only limited tests are being made of the direct effects of these poisons on man and livestock. Practically nothing is being done to investigate their effects on wildlife.

Most of the chemicals in use today were not on the market prior to World War II, and more than 60 new insecticides have been developed during the past few years. DDT was introduced first and still is being used widely. Some of the other formulations of the chlorinated hydrocarbon group, which are not as well-known as DDT, are lindane, toxaphene, methoxychlor, dieldrin, and chlordane. These are not of equal toxicity, but they are similar in their chemical stability and resistance to change. DDT and dieldrin have been found to retain their toxicity in soil for as long as 3 years after application. The chlorinated hydrocarbons pose the greatest known threat for wildlife of any of the poisonous chemicals on the market.

The second major group of insecticides are the organic phosphates. These chemicals also vary in toxicity, and some are extremely harmful to birds and mammals. Unlike the chlorinated hydrocarbons, the organic phosphates deteriorate and lose their toxicity relatively soon after application.

A factor that makes the use of chemical poisons hazardous to wildlife is the variety of responses produced on different animals. A poison that causes severe mortality among insects may or may not destroy fish and aquatic life or birds and mammals. There is a marked difference in response to pesticides, even among insects. "That is why it is important to be selective in choice of a pesticide," the Fish and Wildlife Service reports. "The fact that insects often react differently from birds and mammals also can be used to advantage. Mammals and birds respond in a roughly similar way, although there are some differences between kinds. Fish and other cold-blooded animals are closer to insects in their response, and are generally the most sensitive to insect control agents."

The reaction of animal life to chemical poisons under all types of conditions is not well understood. The Fish and Wildlife Service has been able to work out the relative toxicity equivalents of about only 20 of the many chemical poisons now on the market. This initial work has made possible the writing of a few guidelines concerning the methods, times, and application rates for chemical poisons in order to avoid substantial kills of wildlife.

Chemical poisons have caused excessive mortality to wildlife in some areas, particularly aquatic animals. The most severe kills have been recorded in Montana, Florida, New York, and New Brunswick. The extensive editorial coverage given mass poisoning campaigns in the Nation's newspapers and magazines make evident the broad public concern about the increased use of pesticides and herbicides.

The toxicity of some of the chemicals is amazing. For example, it has been reported by the Fish and Wildlife Service that "when aldrin is applied at the rate of 1 pound per acre, 1 square foot of ground surface will contain enough chemical to kill 2 adult quail, 20 young quail (2 weeks old), or 5 young pheasants, if it all is eaten.

"When dieldrin was fed to adult pheasants in very small quantities—one two-hundred-thousandth of an ounce per day—for a 2-month period, they produced eggs of reduced hatchability and chicks subject to a high death rate."

Even though they were not fed poison, the chicks, when mature, had significantly reduced rates of reproduction. In another experiment, offspring of adult pheasants which had been exposed to DDT, also were given DDT and had no reproduction whatever.

Dieldrin now is being applied in at least 9 Southern States in a cooperative program with the Department of Agriculture for the control of the imported fire ant at the rate of 2 pounds to the acre. This compound is at least 20 times as toxic as DDT. The cooperators hope to have a million of the 19 million acres of infested lands treated by early summer.

The susceptibility of aquatic life to dieldrin already has been demonstrated in the field. In 1955 a 2,000-acre coastal area of Florida was treated with dieldrin at the rate of 1 pound to the acre for control of sandfly larvae. The complete decimation of all fish life within the area following the aerial coverage is reported in the January 1958 issue of the *Journal of Wildlife Management*.

Experiments conducted by the United States Public Health Service at Savannah, Ga., indicate that the amount of dieldrin washing into farm ponds after a 3-inch rainfall could eliminate all fish at the 2-pound level of application. There are 40,000 of these farm ponds in Georgia, where fire ant control already is underway.

Early enactment of S. 2447 and the appropriation of the funds it would authorize would set into motion basic research concerning the effect of these chemical poisons on wildlife. The best illustration of the inability of the Fish and Wildlife Service to cope with this pressing problem is the budget request for research during fiscal year 1959. Only \$74,500—\$16,000 less than the preceding year—is in the appropriation bill for all kinds of investigations involving chemicals, diseases, parasites, and other factors affecting the depletion of wildlife.

The Service cannot do the job without adequate funds. It is behind in the testing of chemicals already on the market, and new poisons of even greater toxicity soon will appear. The search for more effective chemicals goes forward each day. Insect groups develop resistance to poisons and, in some areas, they are nearly a thousand times more resistant to DDT than their forebearers. Although the initial application of a poison on an insect population may have a devastating effect, it has been shown that the offspring of the survivors are more resistant.

A national survey in 1955 showed that hunting and fishing are the Nation's most popular outdoor sports. The more than 25 million persons who hunt and fish spend over \$3 billion annually.

Surely, the resources which affect so many people merit consideration. The Fish and Wildlife Service simply must be given the funds with which to conduct the basic research that is needed to reveal the true effects of those chemical poisons on fish and wildlife. The use of chemicals will continue to increase, and it is imperative that we broaden our knowledge so that fish and wildlife resources will not be decimated year after year by improper or untimely application of the chemical poisons.

STATEMENT BY DR. FRED C. BISHOPP

I am a retired Assistant Chief in charge of research of the former Bureau of Entomology and Plant Quarantine, United States Department of Agriculture. I am deeply interested in the fight against pests and diseases and in the safe use of materials to accomplish this necessary purpose and, therefore, I desire to comment briefly on this proposed legislation.

The absolute necessity of the use of insecticides, fungicides, and weed killers in the economical production of food, feed, and fiber and the protection of man, livestock, and plants from diseases and other ill effects, is incontrovertible.

The hazards associated with the use of these materials is well recognized. Hazards from them, when not properly used, involve ill effects on plants and residues possibly deleterious to livestock, wildlife, and man.

These hazards must not only be recognized but must be understood in detail and methods of avoiding them well worked out.

The United States Department of Agriculture has concerned itself with the development of pesticides for many years. It has also cooperated with the United States Public Health Service, the Food and Drug Administration, the Fish and Wildlife Service, and many other agencies in an endeavor to determine beneficial uses for these pesticides and means of safeguarding the health of man and his many interests.

To develop useful pesticides and to find effective methods of formulating, applying and using them requires a tremendous amount of research both basic and applied. This research by the various governmental agencies and industry must be carried on continuously as new materials and methods are developed. Considering the vital interests of the people of the world in these matters, provision for this research has been totally inadequate.

I am pleased to note that this bill authorizes some additional research by the Department of the Interior on ways and means of circumventing ill effects on fish and wildlife. I feel very strongly that the United States Department of Agriculture and the United States Public Health Service should be designated in this bill as cooperating agencies since the background information worked out in past years would be of tremendous value in such studies. And the extensive operations by the United States Department of Agriculture in the control of agricultural and forest pests and diseases of man and animals would give opportunity, by close cooperation with the Department of the Interior, to develop needed information more quickly and economically. In fact I would strongly recommend the provision of additional funds for expanded research in the whole field of pesticides and their safe use.

THE AMERICAN FORESTRY ASSOCIATION,
Washington, D. C., February 28, 1958.

Senator WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
Senate Office Building, Washington, D. C.

DEAR SENATOR MAGNUSON: The American Forestry Association is strongly in favor of the proposal in S. 2447 to intensify studies of the effects of insecticides, herbicides, and fungicides. In addition we urge that the scope of this research be broadened to include the entire field of insect and disease control and to embrace all agencies with a responsibility for any phase of this vital work.

The entire subject is one of grave importance. Its urgency can not be minimized. Not only is it necessary to determine the effect of various chemicals upon fish and wildlife, but it is necessary to control destructive insects and diseases. Otherwise the forests that provide a haven for wildlife as well as protection for the headwaters of streams will in themselves be destroyed.

Very truly yours,

KENNETH B. POMEROY, *Chief Forester.*

PHOENIX, ARIZ., March 5, 1958.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Committee on Interstate and Foreign Commerce,
Washington, D. C.:

The Arizona Game and Fish Commission in behalf of the sportsmen of the State wholeheartedly support S. 3185 to require prior approval by the Secretary of Interior as to the fish and wildlife effects before the Federal Power Commission could issue a permit for a dam. We are also in favor of S. 2447, authorizing a program of research into the effects of chemical pesticides, and would like to see it expanded to include all herbicides as well as pesticides. Would also like

to go on record as supporting S. 2617 which amends end of Duck Stamp Act but would like to see the \$2 fee raised to \$3 with at least 65 percent of the receipts earmarked for waterfowl area acquisitions.

R. J. SMITH,
Acting Director,
Arizona Game and Fish Department.

INTERNATIONAL ASSOCIATION OF GAME, FISH, AND CONSERVATION COMMISSIONERS,
47TH ANNUAL MEETING, SEPTEMBER 9, 10, AND 11, 1957, LAS VEGAS, NEV.

(Submitted by Mr. John Biggs, president)

RESOLUTION: RESEARCH ON CHEMICALS PESTICIDES

Whereas chemical controls, including insecticides, herbicides, and fungicides, are being widely used and in increasing quantities upon the farmlands, orchards, forests, and marshes of the United States and Canada,

Whereas some chemical pesticides are known to have important side effects upon other species but little is known about the immediate and cumulative effects upon other species and upon the ecology of an area, or about desirable methods and rates of application to prevent damages: Now, therefore, be it

Resolved, That the International Association of Game, Fish, and Conservation Commissioners, in convention at Las Vegas, Nev., September 9-10, 1957, endorses H. R. 783 and S. 24447, similar bills to authorize the Secretary of the Interior to undertake continuing studies of the effects of chemical pesticides for the purpose of preventing losses of fish and wildlife resources and to provide basic data on the various chemical controls so they can be used with minimum losses of fish and wildlife. We urge prompt enactment of such legislation by the Congress, including the appropriation of the funds necessary to these studies; be it further

Resolved, That the Government of Canada and provincial government through their appropriate departments, are hereby urged to take such steps as are necessary to implement and/or further similar studies in that country.

IDAHO WILDLIFE FEDERATION,
March 1, 1958.

HON. WARREN G. MAGNUSON,
Chairman, Senate Committee on Interstate and Foreign Commerce,
Washington, D. C.

GENTLEMEN: In behalf of the 13,000 southeastern Idaho sportsmen, I represent, I would like to make a few statements in regard to the bills pending before this committee.

We are, as you of course realize, genuinely interested in the perpetuation of these fish and wildlife resources and feel that we must protect them vehemently if needs be. As a matter of fact, all programs that are to benefit our posterity we feel are essentially a part of a heritage we must treasure and guard.

For these reasons we would like to go on record as favoring the following bills you are considering and solicit your support: S. 2447, S. 2496, S. 2617, S. 3185.

Sincerely,

BOB WEBSTER,
Chairman, Fifth District, Idaho Wildlife Federation.

REUTHER'S SEA FOOD CO., INC.,
New Orleans, La., March 11, 1958.

HON. ALLEN J. ELLENDER,
Senator of the State of Louisiana,
Senate Office Building, Washington, D. C.

DEAR SENATOR ELLENDER: This letter concerns the urgent problem about the effect of chemical products used in insect control upon the fishing industries.

There is ample evidence that the spawning of shrimp, shellfish, menhaden, and other fin fishes is being jeopardized by the widespread use of chemical products to control insects in agriculture, forestry, etc.

Last Thursday, witnesses appeared before Senator Magnuson, chairman of the Committee on Interstate and Foreign Commerce, urging immediate adoption of his bill, S. 2447, and similar legislation pending in the House.

We, as lightly interested people in the fishing industry of Louisiana, certainly desire that legislation be passed to stop the indiscriminate use of chemical products that may affect the spawning of the above-mentioned types of fish in Louisiana waters.

We certainly request that you give serious consideration to this problem and proceed accordingly.

The following is an excerpt from one of the witnesses' statements made before Senator Magnuson's committee:

"All segments of the fish and shellfish industry are becoming alarmed over the ever-increasing indications from Federal, State, and private research sources that many insecticides, herbicides, and fungicides now in use are destroying our fish and shellfish resources. It is essential that adequate basic data become available promptly to the end that necessary controls can be put into force to prevent this useless destruction of vital natural resources urgently needed by mankind.

"The use of chemicals in spraying forests, crops, and marshes for control of insects has now become so widespread that the Nation faces losses of protein food that it can ill afford.

"We regard this legislation as an emergency measure and sincerely hope Congress will adopt this legislation promptly and follow with adequate appropriations to get the work under way."

We want to thank you very much for your attention to this matter.

Yours very truly,

C. G. REUTHER, JR.

STATE OF COLORADO,
DEPARTMENT OF GAME AND FISH,
Denver, Colo., February 26, 1958.

HON. WARREN G. MAGNUSON,

*Chairman, Committee on Interstate and Foreign Commerce,
United States, Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: I appreciate very much receiving the information contained in your letter of February 12 concerning the meeting of the Subcommittee on Merchant Marine and Fisheries, to be held March 6 and 7. Unfortunately, previous commitments will prevent my personal testimony before your committee, but I wish to submit the following written comments on the bills which will be discussed during the public hearings:

S. 2447. The Colorado Game and Fish Department supports this bill, and respectfully requests the favorable consideration of it by the committee. The control of insects has developed a thriving chemical control business. Each year there are many new chemicals for the control of various insects and pests which the outdoor enthusiast feels could be extremely detrimental to the wildlife of our Nation. Since these chemicals are used so extensively over important game and fish areas, we feel it is imperative to determine the effect on the wildlife resource. We are hopeful that the committee will recommend favorable consideration of this bill.

I sincerely appreciate the opportunity to present the views of the official agency of this State, which I believe also reflect the views of the average sportsman and conservationist within the boundaries of Colorado.

Very truly yours,

THOMAS L. KIMBALL,
Director.

BOULDER, COLO., March 4, 1958.

HON. WARREN G. MAGNUSON,

*Chairman, Senate Committee on Interstate and Foreign Commerce,
Washington, D. C.*

DEAR MR. JARRETT: I am writing this letter as chairman of the committee on bird protection of the American Ornithologists' Union, an organization of professional and lay members vitally concerned with the welfare of American bird-life and other natural resources. The purpose of the letter is to call the attention of your committee to the need of careful consideration and favorable action on Senate bill 2447 of the present Congress, providing authority for pertinent

research to determine the hazards associated with the rapidly expanding use of highly potent pesticides.

Having been in charge of the Denver laboratory of the United States Fish and Wildlife Service for 14 years prior to my retirement in 1954, I can speak with some degree of experience in matters of this kind. The development and testing of rodenticides for safe field application was, and still is, a primary responsibility of that laboratory. Without adequate experimentation to demonstrate the selectivity and effectiveness of such toxicants, the Fish and Wildlife Service could not fulfill its obligations connected with the protection of useful forms and the rational control of injurious ones. These same obligations also rest with other Federal agencies, particularly if migratory birds, protected by international treaties, may be endangered.

From the very nature of the case, such experimentation is time consuming. Ultimate or cumulative effects of potent toxicants cannot be determined hastily. Already there is ample evidence that the airplane dispersal of certain pesticides in concentrations of 2 pounds per acre is disastrous to fish life and some groups of invertebrates. Less is known regarding their effect on birds and mammals under field conditions, but this very uncertainty demands that adequate studies be conducted to determine these facts, lest expanding operational programs become wholly unrestricted in their scope and intensity. To conclude that there are no dangers simply because superficial examination has revealed no victims is at least a naive assumption and unworthy of the approach which this problem deserves. Releases from the Department of Agriculture indicate that, at this late date, research programs are being extended but at the same time operations are being conducted at a much greater scale and intensity. This leads to the conclusion that the former will be the sequel to, rather than the guide for rational operations.

I would strongly recommend, therefore, that your committee and the Congress take appropriate action in support of this bill and to restrict further operations until the time when adequate fact-finding programs have demonstrated the ultimate effects of the programs now being conducted to control the fire ant in the Southeast and rodents in the Northwest through the airplane dispersal of pesticides. Not only are great economies and esthetic values of natural resources at stake, but the public health and safety likewise are involved.

Sincerely,

E. R. KALMBACH,
*Chairman, Committee on Bird Protection,
American Ornithologists' Union*

ORANGE COUNTY FEDERATION OF SPORTSMEN'S CLUBS,
Goshen, N. Y., February 25, 1958.

UNITED STATES SENATE,
Committee on Interstate and Foreign Commerce.

DEAR SIR: As per your letter to Mr. W. L. Shafer enclosed please find 25 copies of statements as per your request.

The Orange County Federation of Sportsmen's Clubs with a membership of over 14,000 members would like to go on record as being in favor of the passage of the following important bills: S. 2447, S. 2496, S. 2617, S. 3185, which are so vital to our country if we are to protect and preserve our fish and wildlife and maintain our valuable natural resources. So our waters can be restored, our forest replanted, our wildlife replenished, our rivers and lakes made to furnish once again their rich quota of clean pure water and life necessities.

Yours in sports,

PETER NUZZOLESE, *Secretary.*

THEODORE MEYER EST.,
Philadelphia, Pa., February 20, 1958.

HON. JOSEPH S. CLARK,
United States Senate, Washington, D. C.

DEAR SENATOR CLARK: I am writing to express approval of Senate bill 2447 authorizing a study by the Fish and Wildlife Service of the United States Department of the Interior on the effects of insecticides on wildlife. The amount asked is approximately \$280,000, but to get enough funds for a thorough study so proper regulations can be issued to limit the amount of insecticide used in airplane spray-

ing and have an adequate technical basis for the limitation would probably take close to twice as much money.

There has been a great deal said on both sides of this question. I know that control of the gypsy moth and imported fire ant are important; however, I am sure that some real scientific testing by the Fish and Wildlife Service will come up with a knowledge of just what various percentages of materials will do to wildlife, and we still can take care of our pests in a more scientific manner.

Your support for this bill will be greatly appreciated.

Very truly yours,

MARTIN T. MEYER.

NATIONAL AGRICULTURAL CHEMICALS ASSOCIATION,
Washington, D. C., March 3, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Interstate and Foreign Commerce Committee,
Senate Office Building, Washington, D. C.*

DEAR SENATOR MAGNUSON: We are taking the liberty of commenting on Senate bill S. 2447 introduced by you and which we understand will be subject to hearings on March 6 and 7.

We understand that some other bills have been introduced in the Congress of the United States requesting appropriations up to \$25 million for studies of the effects of pesticides, etc., on wildlife.

Research projects of this magnitude are, in our opinion, unjustified. We believe, however, that a modest appropriation of an amount approximating the amount suggested in S. 2447 deserves serious favorable consideration by your committee.

In our opinion certain groups interested in wildlife are unduly worried about the use of these materials mainly due to their lack of knowledge of what has been and is being done. Sound research is always beneficial to all parties, and we believe would do much to allay the unfounded criticisms which appear from time to time in the press.

We would, however, suggest that the project, if approved, be done in cooperation with the United States Department of Agriculture. The United States Department of Agriculture has had long experience in handling pesticide chemicals and a tremendous amount of both basic and practical research has been done by them. The Agricultural Research Services, in particular, is well acquainted with the safe use and handling of these materials. The regulatory agencies of the United States Department of Agriculture control the sale and distribution of pesticide chemicals. Much better results could be obtained by coordinating the research programs if they are recommended by your committee.

Your serious consideration of this latter proposal would be appreciated.

Very truly yours,

L. S. HITCHNER,
Executive Secretary.

NATURE CONSERVANCY,
Washington, D. C., March 5, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is written in support of S. 2247, which would authorize the Fish and Wildlife Service to expand its research on the effects of chemical pesticides.

The Nature Conservancy is a nationwide nonprofit membership organization established to bring about the preservation of outstanding natural areas for their scientific, educational, and aesthetic values and to encourage the use of such areas for scientific and educational purposes. The significance and utility of a natural area is greatly impaired if any important element of the life normally present is artificially removed or altered. Already two important areas owned by the conservancy in Westchester County, N. Y., have been subjected to heavy airplane spraying of powerful insecticides in an effort of the Department of Agriculture to eradicate gypsy moth.

The interest of the conservancy is not confined, however, to particular areas. It is concerned generally with activities which may cause unnecessary or excessive harm to wildlife, vegetation, and the balance of nature.

At a recent meeting, the board of governors of the conservancy, which includes a number of ecologists and other experts in the natural sciences, adopted a resolution on mass spraying of insecticides which contained the following recitals:

"Whereas mass spraying with insecticides for the purpose of eradicating insect pests involves grave dangers to native wildlife and the balance of nature and may even be dangerous to man and domestic animals; and whereas our scientific knowledge of the effects of such spraying, with respect to the dangers involved, effectiveness in eliminating pests, and relative effectiveness and costs compared with other techniques, is entirely inadequate."

The resolution concluded, among other things, that it would be highly desirable that the Congress provide greatly increased funds for studying the effects of mass spraying and the availability and effectiveness of alternate techniques for controlling insect pests.

Accordingly, the conservancy urges that your committee favorably report S. 2447 at an early date.

Yours very truly,

GEORGE B. FELL,
Executive Director.

COMMONWEALTH OF PENNSYLVANIA,
PENNSYLVANIA FISH COMMISSION,
Harrisburg, March 26, 1958.

HON. WARREN MAGNUSON,
Senate Office Building, Washington, D. C.

DEAR SENATOR: This letter is with regard to your bill, S. 2447, concerning pesticides.

It will be appreciated if you will put my office on official record as favoring the enactment of legislation of this kind, and urging that the Senate and the House of Representatives enact it into law this session.

Sincerely yours,

WM. VOIGHT, JR., *Executive Director.*

NATIONAL PARKS ASSOCIATION,
Washington, D. C., March 11, 1958.

Senator WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: I regret that the necessity of undertaking 2 weeks Naval Reserve duty prevented my appearing before your committee to testify in support of S. 2447 at the recent hearings. The National Parks Association is strongly in favor of the enactment of this legislation. It would be appreciated if this letter could be incorporated into the official record of the hearings.

S. 2447 would provide funds for studies of the effects on fish and wildlife resources of the present widespread use of chemical insecticides and pesticides. The dangers inherent in employing the powerful poisons of today without thorough knowledge of what the results will be on all forms of life, not solely the species under attack, are so great as to make such studies imperative. As guardian of the health and welfare of the American people, and as administrator of large acreages of public land, the Congress rightly is concerning itself with this problem. This legislation should be enacted promptly. Its only defect is that it provides far too little money for the purpose. The \$280,000 recommended should be multiplied to 10 times that amount for immediate use; and even that will not be sufficient to provide all the facts needed.

There has been done a moderate amount of research on the effects of DDT on wildlife and human populations, and it has been demonstrated that great care must be taken to avoid concentrations of DDT which will prove lethal to many fish, birds, and other animals. On one occasion, I picked up more than 800 dead and dying birds, ranging in size from sandpipers to egrets, which had been subjected to DDT spraying over a lagoon near the naval air station at Corpus Christi, an autopsy by the chief medical officer proved DDT to be the cause of their death. Others have reported countless other similar instances. Yet DDT is but a mild poison compared with the more potent chemicals now being used to destroy fire ants and other insects on agricultural and forest lands. They are

so powerful, in fact, that scientists are seriously alarmed lest the soil microbiota—the tiny organisms that give life to the soil and on which all crop production depends—be destroyed with resultant sterilization of the soil itself. Should this fear be justified, the use of such chemicals could doom the very agricultural economy they are designed to benefit.

This is a worldwide problem. America has produced these chemicals, and they are in use throughout the world. As has been true of certain other American contributions to world conditions, this one may prove in the end to have been an unfortunate blessing. The International Union for the Conservation of Nature and Natural Resources has held several international conferences at which scientists from more than 30 nations have discussed this subject. These outstanding authorities have presented documentation about what chemical poisons, mainly DDT, have done to the wildlife in their own countries—in France, in Canada, in the Belgian Congo and French West Africa, in Great Britain, and in many other lands. They are decidedly worried.

Since the technique of using chemical poisons has been a contribution of the United States to the agricultural and forest practices of the world, it seems proper that the United States should undertake a reasonable measure of research to find out what the results have been and will be. These chemicals are already in use; the places they are being applied are natural laboratories in which to determine the essential facts. Whenever a major program is undertaken which involves use of such chemicals on a large area, part of the funds so expended should be allocated to appraising the results, not only as relates to the target insect, but on all other living organisms, including man, which occupy the region. It is not enough to send a single biologist there part of the time. The study should be thorough and complete, so the end results will have significance. The problem is too serious and the danger too imminent to permit of delay. S. 2247 should be enacted now, before the damage assumes proportions beyond control.

Yours sincerely,

FRED M. PACKARD, *Executive Secretary.*

THE WILDERNESS SOCIETY,
Washington, D. C., April 1, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Subcommittee on Merchant Marine and Fisheries,
Senate Committee on Interstate and Foreign Commerce,
Washington, D. C.*

DEAR SENATOR MAGNUSON: Illness, unfortunately, prevented me from appearing before your committee to testify in behalf of your very important bill, S. 2447, which would authorize and direct the Secretary of Interior to undertake continuing studies of the effects of chemical pesticides upon fish and wildlife.

So little is known about the effects of these multiplying chemical nostrums, the field data is so inadequate, and the implications of the hazards so frightening, that the program of research which you propose is one of the most severely urgent of our present obligations.

The Wilderness Society is glad to support this measure.

Sincerely,

HOWARD ZAHNISER,
Executive Secretary and Editor.

TRENTON, N. J., March 5, 1958.

SENATOR WARREN G. MAGNUSON,
*United States Senate,
Washington, D. C.*

Impossible for me to be present at the March 6 and 7 public hearing. New Jersey strongly supports S. 2447. Indiscriminate use of herbicides and insecticide without full understanding of their effect on fish, wildlife, and other natural resources. Can do irreparable harm to program designed to conserve and develop these resources.

COMMR. JOSEPH D. McLEAN,
Department of Conservation and Economic Development.

ALASKA FISHERMEN'S UNION,
Seattle, Wash.

Senator WARREN G. MAGNUSON,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MAGNUSON: This is in response to your letter of February 13 regarding Senate bills 2447, 2617, and 3185. We will be unable to appear to offer testimony on these particular bills.

We are in favor of your efforts on the bills in question, and hereby endorse them.

Sincerely yours,

GEORGE JOHANSEN, *Secretary-Treasurer.*

WESTERN ASSOCIATION OF
STATE GAME AND FISH COMMISSIONERS,
March 4, 1958.

HON. WARREN G. MAGNUSON,
Chairman, Senate Committee on Interstate and Foreign Commerce,
Washington, D. C.

(Attention: Mr. Harry C. Huse.)

DEAR SENATOR MAGNUSON: The Western Association of State Game and Fish Commissioners has requested that I inform you of action taken by the association relative to certain conservation measures which are being considered by you and your committee at the present time.

At a special meeting of the Western Association, held at St. Louis, Mo., on March 2, 1958, in connection with the North American Wildlife Conference, representatives of the association took action to endorse the following bill:

S. 2447, a bill to direct the Secretary of the Interior to conduct studies of chemical control agents and their effects on fish and wildlife.

Favorable consideration of this measure by your committee will be appreciated sincerely by the Western Association of State Game and Fish Commissioners.

Very truly yours,

BEN GLADING, *Secretary.*

(Government reports on S. 2447 are as follows:)

FEDERAL POWER COMMISSION,
Washington, February 24, 1958.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

DEAR CHAIRMAN MAGNUSON: In reply to your letter of the 13th, may I say that the Federal Power Commission will submit its reports on the four bills, S. 2447, S. 2496, S. 2617, and S. 3185 in time for the hearings on March 6 and 7. The Commission's views will therefore be available for consideration by the Subcommittee on Merchant Marine and Fisheries.

We will also have our General Counsel, Willard W. Gatchell, and Chief of our Bureau of Power, Francis L. Adams, present at the hearings to answer any questions which the subcommittee may have.

Sincerely yours,

JEROME K. KUYKENDALL, *Chairman.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., July 12, 1957.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

DEAR SENATOR MAGNUSON: Your committee has requested a report on S. 2447, to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following spraying and to provide basic data on the various chemical controls

so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife.

We are agreeable to the enactment of this proposed legislation, although we believe the Fish and Wildlife Act of 1956 (70 Stat. 1119) and our general authority in this field provides sufficient authority to carry out the program contemplated by this bill. Enactment of specific legislation on this subject would, of course, express the interest of the Congress in this particular program that we consider to be vital to conservation of the Nation's fish and wildlife resources. Our budget estimates for fiscal year 1958 contain an item for pesticide studies on wildlife.

Sportsmen, conservationists, foresters, and farmers alike are concerned over the tremendous increases in pesticide applications to eliminate insects, weeds, diseases and other pests. Each year more acreage is being treated with better and more efficient pesticides. Particularly impressive are the large numbers of extensive forest DDT spraying programs now being conducted yearly. Over 3.4 million acres of forests were sprayed last year, and more will be sprayed this year. Last year 65 million acres—more than one-sixth of the United States cropland—were treated with pesticides, the total amount of formulated pesticides being 3 billion pounds. The cost of applying these pesticides amounted to \$256 million. Yet, crop losses on untreated areas were estimated at \$7.5 billion.

The importance of our forests and agricultural crops is unquestioned. Both are vitally needed. Likewise, insect and other pesticide control operations are necessary. However, pesticide control programs have gone ahead without adequate information on the effects which the pesticides have on fish and wildlife resources. A multibillion dollar recreation and commercial fishery industry of interest to more than 30 million Americans is involved.

The seriousness of the effects of insecticides on wildlife is emphasized by extensive spraying for the control of Dutch elm disease, which is now taking place. DDT is being used at as much as 10 times the concentration that can be tolerated by wildlife and the resultant death of thousands of birds has aroused citizens in many parts of the country. Another current problem is the invasion of alfalfa fields by the yellow aphid. Required insecticidal treatments could have an appallingly serious effect on bird populations as the yellow aphid has spread over millions of acres in the last 3 or 4 years.

In 1954 the CAA estimated that 31 million acres of land were sprayed by 6,000 airplanes during 541,000 hours of flying. In the Mirimichi River drainage of New Brunswick, Canada, following the airplane spraying of a DDT-oil solution to control a forest pest, the spruce budworm, serious losses of salmonid fish occurred. Heavy depletions of fish populations also occurred in the Yellowstone River drainage of Montana and Wyoming in 1955 following similar control operations for the spruce budworm. In the 100-mile section of the river affected, the value of the fishery has been estimated at \$20,000 per mile annually, giving the fish an annual value (in terms of expenditures by fishermen) of \$2 million. These instances of fish losses emphasized the need for more knowledge upon which to predict the effects of DDT applications. When a DDT spray operation is contemplated, the sponsors of the project should be able to obtain advice from Federal and State conservation officials on physiological problems, methods of application, formulations and the timing of applications to minimize fish and wildlife losses.

In view of our responsibilities under treaty obligations with Canada and Mexico for the protection and management of migrating birds, including waterfowl, and for the protection and management of fish in Federal waters, funds are necessary to support research to determine the effects of insecticides on fish and wildlife. Sufficient basic research has not been accomplished to predict losses or to properly advise operating agencies on means of obtaining effective control and, at the same time, avoiding unnecessary fish and wildlife mortality.

Combined laboratory and field investigations in cooperation with other governmental agencies such as the United States Forest Service, are necessary to obtain the needed facts. Among the pesticide-wildlife relationships that should be studied are the following:

- (1) Tests of toxicity of new insecticides for birds, mammals, and fish.
- (2) Development of diagnostic tests to permit determinations as to whether or not animals were killed by specific insecticides or other pesticides.

(3) Studies of application of insecticides in forest-pest control such as bark and spruce budworm.

(4) Studies of the effects on fish and wildlife of controlling the white-fringed beetle, Japanese beetle, grasshoppers, Mormon crickets, corn borer, and a host of other farm pests in all regions.

(5) Marsh studies on mosquito production and control in relationship to waterfowl-habitat preservation. These studies would involve development of alternate methods of controlling mosquitoes as well as testing new insecticides as to their effects on waterfowl and other desirable forms of marsh wildlife.

If favorable action is taken on this bill, we recommend that section 2 be eliminated therefrom. This section would limit annual appropriations for these purposes to the sum of \$280,000. In our opinion, an adequate research program for the study of wildlife-pesticide relationships probably would exceed this amount for certain years and we believe that an arbitrary ceiling on appropriations for a program of this type would not be advisable. In addition, we suggest the following perfecting amendments:

(1) Page 1, revise line 5 to read "of insecticides, herbicides, fungicides, and pesticides upon the fish and".

(2) Page 2, revise line 1 to read "determine the amounts, percentages, and formulations of such chemicals".

(3) Page 2, revise line 3 to read "amounts, percentages, mixtures, or formulations that can be used safely,".

(4) Page 2, revise line 5 to read "spraying, dusting, or other treatments."

(5) Amend the title of bill to read "A bill to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials, and to provide basic data on the various chemical controls so that forests, croplands, wetlands, rangelands, and other lands can be sprayed, dusted, or otherwise treated with minimum losses of fish and wildlife."

The Bureau of the Budget has advised us that there would be no objection to the submission of this report to your Committee.

Sincerely yours,

HATFIELD CHILSON,
Under Secretary of the Interior.

JUSTICE DEPARTMENT,
July 10, 1957.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (S. 2447) to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following spraying and to provide basic data on the various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife.

The bill has been examined but, since the subject matter thereof is not related to any of the activities of the Department of Justice, we would prefer not to offer any comment concerning it.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

GENERAL ACCOUNTING OFFICE,
COMPTROLLER GENERAL OF THE UNITED STATES,
Washington. July 19, 1957.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate*

DEAR MR. CHAIRMAN: Your letter of July 3, 1957, acknowledged July 5, requested our comments on S. 2447, 85th Congress, 1st session.

This bill would authorize and direct the Secretary of the Interior to undertake comprehensive continuing studies on the effects of insecticides, herbicides, and fungicides upon fish and wildlife resources of the United States.

The act of July 1, 1957, Public Law 85-77, appropriating moneys for the use of the Department of the Interior for the period ending June 30, 1958, authorizes the expenditure of funds for scientific and economic studies relative to commercial fishing, sport fishing, and wildlife resources. We have no information relative to the necessity for, or advisability of, the additional legislation proposed by S. 2447 and we therefore make no recommendation with respect to its enactment.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

FISH AND WILDLIFE LEGISLATION

THURSDAY, MARCH 6, 1958

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
SUBCOMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D. C.

The subcommittee met, pursuant to call, at 10:55 a. m., in Room G-16, United States Capitol, Hon. Warren G. Magnuson (chairman of the committee) presiding.

The CHAIRMAN. The committee will be in order.

We have before us at this time S. 2617.

(S. 2617 follows:)

[S. 2617, 85th Cong., 1st sess.]

A BILL To amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Migratory Bird Hunting Stamp Act of March 16, 1934 (48 Stat. 451), as amended, is further amended by striking out subsection (a) thereof and inserting in lieu thereof the following: "(a) Not less than 65 per centum shall be available for the location and ascertainment and acquisition of suitable areas for migratory bird sanctuaries under the provisions of the Migratory Bird Conservation Act, to be expended for such purposes in all respects as moneys appropriated pursuant to the provisions of such Act: *Provided*, That, in the discretion of the Secretary of the Interior, not to exceed 25 per centum at any one time, of any area acquired in accordance with the provisions of the Migratory Bird Conservation Act, may be administered primarily as a wildlife management area not subject to the prohibitions against the taking of birds, or nests or the eggs thereof, as contained in section 715i of this title, except that no such area shall be open to the shooting of migratory birds when the population of such birds frequenting the area or in the migrations utilizing such area is on a decline, not prior to July 1, 1952, or the date upon which the same has been fully developed as a management area, refuge, reservation, or breeding ground, whichever is later.

SEC. 2. That subsection (b) of said section 4 be renumbered "(c)", and a new subsection "(b)" be inserted to read as follows: "(b) not more than 20 per centum shall be available for administration, maintenance, and development of migratory bird sanctuaries under the provisions of the Migratory Bird Conservation Act to be expended for such purposes in all respects as moneys appropriated pursuant to the provisions of such Act; for the administration, maintenance, and development of other refuges under the administration of the Secretary of the Interior frequented by migratory game birds; and for such investigations on such refuges and elsewhere in regard to migratory waterfowl as the Secretary of the Interior may deem essential for the highest utilization of the refuges and for the protection and increase of these birds."

SEC. 3. The Secretary of the Interior is authorized to utilize funds made available under subsection (a) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection, to acquire by lease, purchase, or exchange, small wet land and pothole areas to be designated as "Waterfowl Production Areas". Such small areas shall not be classified as "National Wildlife Refuges" and shall not be subject to the inviolate sanctuary provisions of this Act.

The CHAIRMAN. S. 2617, introduced at the request of the Secretary of the Interior, would amend the Migratory Bird Hunting Stamp Act. This bill would provide for the earmarking of not less than 65 percent of the funds received from the sale of duck stamps for the location, ascertainment, and acquisition of migratory bird sanctuaries. Not more than 20 percent would be available for administration, enforcement, and regulatory investigations and the cost of printing and selling stamps. The balance of the fund would be available for the development and maintenance of the refuges.

The Fish and Wildlife Service states that on the basis of last year's revenue the 65 percent provision for land acquisition would mean earmarking \$2,925,000 for this purpose. It would leave \$1,575,000 for refuge development, maintenance, enforcement, regulatory surveys, research, wetlands preservation investigation, administration, and the cost of printing and selling the stamps. This figure of \$1,575,000 would have to suffice for the \$3,100,000 budgeted for the fiscal year 1958 for administration.

We will hear first from Congressman Metcalf.

**STATEMENT OF HON. LEE METCALF, REPRESENTATIVE IN THE
UNITED STATES CONGRESS FROM THE STATE OF MONTANA**

MR. METCALF. I have a brief statement on S. 2617, which is before the committee.

The CHAIRMAN. We would like to hear your views on that.

MR. METCALF. Like bills which have subcommittee approval in the House, S. 2617 would require that at least 65 percent of the money raised by sale of duck stamps be used for the purpose for which it was intended, acquisition of land for migratory bird rearing and feeding areas.

The sponsors would put an end to diversion of duck-stamp funds which violate the spirit, if not the letter of the law. By "diversion" I mean 85 cents of the duck-stamp dollar for refuge maintenance and other administrative maintenance, while at the same time failing to provide money for a job at least a major part of which belongs to the Federal Government.

The bill would not increase the present duck-stamp fee of \$2. It would authorize the purchase or lease of small wetlands in a new category, waterfowl production areas.

In 1949, our conservationists and sportsmen came to Congress with a request that the price of the duck stamp be doubled, to \$2, so that there would be more money to buy more land for waterfowl areas so there would be more waterfowl. Congress went along. Last year, 2,307,000 people paid more than \$4,600,000 for duck stamps.

In the years from 1935, our hunters have paid \$54,200,000 for duck stamps. Of that amount, \$49,400,000 has been spent. Less than one-sixth of that amount—or 15 cents on the duck-stamp dollar—has been spent for acquisition of land. More than four times that amount has gone for development, maintenance, and administration. In other words, this law has been turned upside down. It is up to us, in this Congress, to right it again.

When we earmark 65 percent of this duck-stamp money for land acquisition, we are telling a Government agency to do its job. I don't

particularly like this approach. But in this case, the Bureau of the Budget is forcing the Fish and Wildlife Service to spend most of this duck-stamp money in a way that is contrary to the intent of Congress and the wishes of the duck hunters. Passage of this bill would reemphasize the wish of Congress and of sportsmen that a major part of the duck-stamp money go for its primary purpose.

As you know, up to 15 percent of the duck-stamp money already is earmarked for enforcement and the cost of printing and distributing the stamps. This bill would allocate the other 85 percent, 65 percent for the location and acquisition of refuges and not more than 20 percent for their administration, maintenance, and development.

If this bill passes—and I hope it does—we have set aside all of the duck-stamp revenue for specific purposes. There won't be any pockets to pick for necessary development and maintenance. And the Federal Government—the administration and Congress—will have to face up to its responsibility to the almost 2½ million waterfowl hunters who look to their Federal Government for proper management of this great natural resource.

I have here a more detailed statement which is concurred in by Senators Murray and Mansfield and Congressman LeRoy Anderson, which I would like to submit for the record.

The CHAIRMAN. That will be received for the record.

(The above-mentioned statement is as follows:)

DUCK STAMP

Like bills which have subcommittee approval in the House, S. 2617 would require that at least 65 percent of the money raised by sale of duck stamps be used for the purpose for which it was intended, acquisition of land for migratory bird rearing and feeding areas.

Its sponsors would put an end to diversion of duck stamp funds which violate the spirit if not the letter of the present law. By diversion, I mean using most of the duck-stamp money for refuge maintenance and other administrative expenses, while at the same time failing to appropriate money for a job at least a major part of which belongs to the Federal Government.

The bill would not increase the present duck stamp fee of \$2. It would authorize the purchase or lease of small wetlands in a new category, waterfowl production areas.

The Duck Stamp Act was passed in 1934, 2 years after this Nation's waterfowl population hit an alltime low. The purpose of the act is clear. As expressed in the title, it is "to provide funds for the acquisition of areas for use as migratory bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas."

Land acquisition, listed as the first purpose of this act, has become the last.

The Fish and Wildlife Service says it spent \$49,431,098 of the \$54,029,540 raised by the sale of duck stamps from 1935 through fiscal 1957. Of this total expenditure, \$18,395,573 went for refuge maintenance, \$10,513,588 for development, \$7,449,908 for land acquisition, \$6,490,950 for enforcement, \$2,287,519 for research, \$1,925,814 for administration, \$1,009,426 for printing and distributing the stamps, \$681,670 for basin studies, and \$676,650 for engineering services.

Out of a total of \$49.4 million, raised by sale of duck stamps and spent in 23 years, only \$7.4 million—or less than one-sixth—went for the acquisition of land. Less than one-sixth of this money went to do the primary job, the acquisition of areas for use as migratory bird sanctuaries, refuges, and breeding grounds.

More than four times that amount went for development, maintenance, and administration. In other words, this law has been turned upside down. It is up to us, in this Congress, to right it again.

Congress must also share with the executive branch of Government the responsibility for this diversion of funds away from the primary purpose for which they were intended.

In 1935, Congress appropriated \$125,536 for overall refuge maintenance. This amount increased each year through 1950, when the total appropriation was \$1,707,426. During the same period, the amount used for this purpose from duck-stamp funds was approximately equal to the appropriations, increasing from \$23,386 in 1935 to \$1,492,502 in 1950.

In 1951, however, the shift began; and money for refuge maintenance started coming more and more from duck stamp funds, and less from appropriations.

In 1951, the appropriation was \$1,413,602; the duck-stamp fund provided \$2,182,655. In 1953, the appropriation was \$1,532,164 and \$2,163,432 came from the duck-stamp fund. In 1954, the figures were \$1,582,164 from appropriations and \$2,767,050 from duck-stamp fund.

1955 saw the big shift. That year the administration and Congress practically walked away from the Federal obligation and dumped the whole program onto the duck hunters. The appropriation for overall refuge maintenance for fiscal 1955 was only \$768,000, barely enough to take care of the big-game areas, nothing for the waterfowl areas. Meanwhile, the duck-stamp fund was hit for \$3,778,460.

1956 was another sad year. Then Congress appropriated \$918,400 for operation and maintenance of refuges, while duck-stamp funds were hit for \$2,870,700 for operation, maintenance, and development. Comparative figures for the next 2 years are: fiscal 1957—\$2,735,400 and \$1,655,000; fiscal 1958—\$2,818,000, with the same amount from duck-stamp funds.

For fiscal 1959, budget requests propose an appropriation of \$2,620,000 with \$1,754,000 to come from duck-stamp funds. From this latter figure, I am told that development has been omitted. I have been unable to find out whether that means that no development is planned at refuges during the coming fiscal year or whether there is money in some other fund.

Breaking down to pennies the expenditures of duck-stamp dollars to date, we find that 37.2 cents has gone for maintenance, 21.3 cents for development, 15.1 cents for land acquisition, 13.1 cents for enforcement, 4.6 cents for research, 3.9 cents for administration, 2 cents for printing and distribution, and 1.4 cents each for basin studies and engineering services.

In this connection, I call your attention to the huge increase in the Post Office Department's charge for printing and distributing the stamps. In the years up to and including 1953, this charge averaged a little more than \$30,000 a year. In 1954, it jumped to \$150,000. In 1955 it was \$169,000. This year it is \$139,000, or more than 4 times the average in the 15 years prior to 1952.

When we earmark 65 percent of this duck-stamp money, we are telling a Government agency to do its job. I don't particularly like this approach. But in this case, the Bureau of the Budget is forcing the Fish and Wildlife Service to spend most of this duck-stamp money in a way that is contrary to the intent of Congress and the wishes of the duck hunters, who came before Congress in 1949 and asked that the price of the duck stamp be increased from \$1 to \$2 so there would be more money to buy more waterfowl areas so there would be more ducks. Passage of such a bill as S. 2617 would reemphasize the wish of Congress and of sportsmen that a major part of duck-stamp money go for its primary purpose.

As you know, up to 15 percent of the duck-stamp money already is earmarked for enforcement and the cost of printing and distributing the stamps. This bill would allocate the other 8 percent, 65 percent for the location and acquisition of refuges, and not more than 20 percent for their administration, maintenance, and development.

If this bill passes—and I hope it does—we have set aside all of the duck-stamp revenue for specific purposes. There won't be any pockets to pick for necessary development and maintenance. And the Federal Government, the administration, and the Congress, will have to face up to its responsibility to the almost 2½ million waterfowl hunters who look to their Federal Government for proper management of this great natural resource.

Mr. METCALF. That concludes my statement.

The CHAIRMAN. I want to put in the record a breakdown, which I requested from the Department of the Interior on the duck-stamp money.

I find that for the national wildlife refuges they spent for operation and maintenance, \$1,754,000; and for land acquisition, \$1,600,000; which is \$3,354,000 in that field.

For management and enforcement, \$711,000, for fiscal 1959, for enforcement; and \$241,000 for management; which makes \$952,000.

For wildlife research, \$283,000; wetlands habitat preservation, \$185,000; and general administrative expenses, \$274,000.

That is a total of \$5,048,000, of which land acquisition is only \$1,600,000.

Mr. METCALF. That is exactly the point. The duck-stamp money is supposed to be for the acquisition of land, and the other duties of the Fish and Wildlife Service should be paid out of general taxation, the protection of the resources. The duck-stamp money should be used for the purpose for which it was originally designed, the acquisition of land, instead of being used for management, for administration, for other types of research.

The CHAIRMAN. We will also put in the record the funds available in the duck-stamp account. They have some unobligated balances. That is why, I suppose, the total is \$5 million in 1958 although they will take in more in 1959. This breakdown bears out what you said. They turned the purposes of the law upside down. I remember this committee held hearings on the first bill in 1949 and one of the justifications for the bill was the acquisition of land.

We will place all these in the record to show the administration of the funds. This is the budget for 1959.

(The above-mentioned document is as follows:)

UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE,
BUREAU OF SPORT FISHERIES AND WILDLIFE

*Summary of funds available under migratory bird conservation
(duck stamp) account*

Unobligated balance in account as of July 1, 1958-----	\$2, 736, 007
Estimated migratory bird hunting stamp sale receipts for fiscal year 1958—July 1, 1958, to June 30, 1959-----	4, 500, 000
Estimated total funds available to finance fiscal year 1959 program—July 1, 1958, to June 30, 1959-----	7, 236, 007
Fiscal year 1959 program estimates as per statement attached----	5, 048, 000
Estimated unobligated balance in account as of July 1, 1959--	2, 188, 007

NOTE.—The foregoing is tabulated on P. 687 of the budget of the United States Government for the fiscal year ending June 30, 1959.

*Statement of migratory bird conservation account (duck stamp) program,
fiscal year 1959*

1. National wildlife refuges:	
Operation and maintenance-----	\$1, 754, 000
Land acquisition-----	1, 600, 000
Subtotal-----	3, 354, 000
2. Management and enforcement:	
Enforcement-----	711, 000
Management-----	241, 000
Subtotal-----	952, 000
3. Wildlife research-----	283, 000
4. Wetlands habitat preservation-----	185, 000
5. General administrative expenses-----	274, 000
Total-----	5, 048, 000

The CHAIRMAN. We will now hear from Mr. Harold Peters, representing Mr. John Baker.

STATEMENT OF JOHN H. BAKER, PRESIDENT, NATIONAL AUDUBON SOCIETY, PRESENTED BY HAROLD PETERS

Mr. PETERS. I have a statement which Mr. Baker prepared and unfortunately cannot be present to read. I will read the statement which he has submitted to your committee.

We favor increase in the price of the duck stamp and a higher price than that proposed in the bill.

We favor the provision that not less than a substantial part of the duck-stamp receipts must be used for acquisition of lands for national wildlife refuges. We realize that such program needs to be completed before suitable lands may no longer be available.

We do not favor provision that any percentage of national wildlife refuge acreage be open, at the discretion of the Secretary of the Interior, to public hunting. We do not believe that it is the proper function of the Federal Government, but rather of the States, to make provisions for public hunting. We believe it is not only a proper function, but the duty of the Federal Government, to protect migratory waterfowl and not facilitate their destruction.

The CHAIRMAN. How many of the national wildlife refuges are open to public hunting?

Mr. PETERS. I can't answer that.

The CHAIRMAN. Mr. Parker, do you know how many of the national wildlife refuges are open to hunting?

Mr. PARKER. Right offhand I don't know the figure.

The CHAIRMAN. Are there some?

Mr. PARKER. Just guessing at it, I would say about 12.

The CHAIRMAN. For a season?

Mr. PARKER. Yes, sir.

The CHAIRMAN. A limited season?

Mr. PARKER. A portion of the area. We cannot open more than 25 percent of the area.

The CHAIRMAN. For a limited season?

Mr. PARKER. We generally open for the entire season.

The CHAIRMAN. For the entire duck season?

Mr. PARKER. Yes, sir. A portion of the refuge.

The CHAIRMAN. Is the daily limit the same there as elsewhere?

Mr. PARKER. Yes, sir.

The CHAIRMAN. In other words, you extend the regulations to a portion of the national area?

Mr. PARKER. Yes, sir.

The CHAIRMAN. Where would they generally be located?

Mr. PARKER. One that comes to mind is the one that we are trying to work out on the Columbia River. You recall, at the McNary Dam?

The CHAIRMAN. Yes.

Mr. PARKER. We have open shooting on Bar River Marsh in Utah, a portion of it. Mesquite, N. Mex.

The CHAIRMAN. Any in the Middle West?

Mr. PARKER. Part of Oregon and Wisconsin, and Swan Lake in Missouri.

The CHAIRMAN. The three flyways.

Mr. PARKER. Yes, sir.

The CHAIRMAN. How many ducks were taken out of that? Can somebody furnish that for the record?

Mr. PARKER. Field data indicate that for the 1956-57 waterfowl season about 250,000 gunners used the hunting areas on national wildlife refuges and took a total of about 350,000 ducks and geese.

The CHAIRMAN. It is open for the whole season?

Mr. PARKER. A portion of it. Not exceeding 25 percent.

The CHAIRMAN. A portion of it is open for the whole season?

Mr. PARKER. Yes, sir.

In the case of Oregon and Swan Lake in Missouri, where it is chiefly a goose-hunting proposition, it is done in cooperation with the State fish and game department, and they limit the number of people who come in there each day. It is on a permit basis.

The CHAIRMAN. In some cases you limit the numbers per day?

Mr. PARKER. Yes, sir.

The CHAIRMAN. How do you do that?

Mr. PARKER. Through a checking system.

The CHAIRMAN. Do you draw lots?

Mr. PARKER. Yes, sir.

The CHAIRMAN. Why do you open these particular places? What is the basis for it?

Mr. PARKER. The only reason for opening any of these areas is because of the larger size of them so that it can be done without interfering with the resource at all. In some of them there is a history of depredations along the way.

The goose areas that are opened in the Mississippi flyway are chiefly to better distribute the harvest to the birds along the flyway, portions of Oregon, for example. There aren't as many come down there.

The CHAIRMAN. I don't know if this is right or wrong, but is it done on the basis that opening these areas would not necessarily cause any depletion of the overall duck population?

Mr. PARKER. There isn't any danger on that at all. As a matter of fact the present provision of the law is that if the birds are on the decline on that flyway, we cannot open any of the refuges. It is truly a byproduct of the refuge system and they were not acquired with that in mind.

The CHAIRMAN. Go ahead, Mr. Peters.

Mr. PETERS. Originally the Duck Stamp Act of 1934 provided that refuge land acquired with proceeds of the sale of duck stamps be inviolate. Over our strenuous opposition, the act was amended in 1949 to permit the opening to public hunting, at the discretion of the Secretary of the Interior, of up to 25 percent of the acreage of each refuge—

except that no such area shall be open to the shooting of migratory birds when the population of such birds frequenting the area, or in the migrations utilizing such areas, is on a decline, nor prior to the date upon which the same has been fully developed as a management area, refuge, reservation, or breeding ground, whichever is later.

During the years 1953-57 lip service only has been given to enforcement of these exceptions. Pressure has recently been, and is now,

on to raise the percentage of any refuge open to hunting to far more than 25 percent. Should your subcommittee, and in turn the Congress, yield to such pressure, the destruction of the national wildlife refuges, as refuges, would be well on its way and not long delayed.

The migratory waterfowl should be protected and conserved by the Federal Government in the interest of the American people as a whole, not just to provide hunting opportunity to the fraction thereof who enjoy hunting.

In recent years there has grown within the Fish and Wildlife Service and insidious and destructive viewpoint that the main purpose of the Service in "managing" the waterfowl resource is to provide maximum harvesting opportunity to the few who buy duck stamps. We trust that your subcommittee will not give any encouragement to those so thinking.

That is the end of Mr. Baker's statement. We appreciate the opportunity of being here.

The CHAIRMAN. Do you have anything to add to that?

Mr. PETERS. No, sir; I do not.

The CHAIRMAN. Do you think those of us who buy duck stamps are getting the benefit of some largesse that other people can't have?

Mr. PETERS. I think from the hunting standpoint that is true. We believe there may be more people who enjoy seeing the birds from the esthetic standpoint, including waterfowl, than there may be who hunt. Of course, that is open to question. But even many hunters enjoy going out and seeing the birds.

The CHAIRMAN. There are about 21½ million hunters, aren't there?

Mr. PETERS. More than that. I think there are——

The CHAIRMAN. Duck hunters?

Mr. PETERS. I think Mr. Parker could answer that. I am not sure how many duck hunters there are.

The CHAIRMAN. We have the figures.

Mr. PETERS. There are around 21¼ million duck stamps sold, that's right.

The CHAIRMAN. A lot of people who buy duck stamps don't get any ducks.

Mr. PETERS. Right. We would like to see the waterfowl preserved for all of the public.

The CHAIRMAN. Would you abolish hunting altogether?

Mr. PETERS. No, sir. We have no objection to hunting when it is properly managed.

The CHAIRMAN. I understand your position. You have no objection to it as long as there is no overall depletion because of hunting.

Of course, I am of the opinion, after many years on this committee, that this country pays more attention to and has better conservation, regulations, laws, and methods than any other country in the world. We have our arguments about it, but I think, considering how civilization has moved into the United States, that overall we have done a fairly effective job as compared with other countries. That doesn't mean we can't do more.

But on the question of ducks, we do all the work here in between, and very little is done at the other two ends. I don't criticize Canada. I think that they try to cooperate. South of the border it is pretty bad. We restrict ourselves for conservation purposes, but there is not

enough conservation elsewhere. I understand that Mexico is doing a little more about it than it used to, in an effort to cooperate.

Mr. PETERS. They are; yes, sir.

The CHAIRMAN. I think on waterfowl we have to do more in an international way.

Mr. PETERS. I think the migratory bird treaty has been a wonderful thing, and is a step forward.

The CHAIRMAN. But enforcement is lacking, from the reports I get. I, personally, saw situations in Cuba that would make any member of the Audubon Society faint.

Mr. PETERS. I have seen that myself. I was formerly in the Fish and Wildlife Service and I made some waterfowl inventories down there. Most of the killing in Cuba and Mexico, I think, is by the wealthy businessmen, and also by Americans who go down there partly because there are so few enforcement provisions.

The CHAIRMAN. Yes, and I guess on the northern rim of South America the same situation exists.

Mr. PETERS. That is right.

The CHAIRMAN. Thank you, Doctor. Tell Mr. Baker if he has anything further to add that we will keep the record open for a few days.

Mr. PETERS. Yes, sir.

The CHAIRMAN. I understand the Department of the Interior wants to testify on the duck stamp matter.

Mr. Daniel Janzen, Director of the Bureau of Sport Fisheries and Wildlife.

STATEMENT OF DANIEL H. JANZEN, DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDLIFE

Mr. JANZEN. Mr. Chairman, I have a statement that supports the Department's adverse report on S. 2617, and this statement also supports a supplementary statement that the Department of the Interior will send over not later than the first of next week. That report is in final form. My report here will support that statement.

The CHAIRMAN. We will put all of those in the record in full.

Mr. JANZEN. This bill, S. 2617, proposes to modify the Migratory Bird Hunting Stamp Act by:

1. Specifically providing that not less than 65 percent of the receipts from the sale of migratory bird hunting stamps, commonly called duck stamps, shall be available for the location, ascertainment, and acquisition of areas for migratory bird sanctuaries;

2. Providing that not more than 20 percent of the revenues shall be available for administration, maintenance, and development of migratory bird sanctuaries and other refuges under the Department of the Interior which are used by migratory game birds; and for conducting investigations regarding migratory waterfowl; and

3. Granting authority to acquire small wetlands as waterfowl production areas which shall not be subject to the inviolate sanctuary features of the Migratory Bird Conservation Act.

The present act provides that not less than 85 percent of the revenues shall be available for the location, ascertainment, and acquisition of areas for migratory birds, for the administration, development, and maintenance of such areas and for the conduct of investi-

gations in regard to the protection and increase of migratory waterfowl. The remaining 15 percent is made available for expenses in enforcing the laws and regulations relating to migratory birds and for payment to the Post Office Department for expenses in connection with the printing and sale of the stamps.

Thus the proposed bill would specifically earmark not less than 65 percent for the acquisition of lands for migratory bird refuges as contrasted to the current direction that not less than 85 percent be expended for all purposes other than law enforcement and the costs in connection with printing and distribution of the stamps. In effect, the bill would further curtail the administrative latitude to use the funds on all phases of the program.

The CHAIRMAN. What does it cost for those stamps?

Mr. JANZEN. I think the last figure for this past year is \$144,000 some.

The CHAIRMAN. Do you get the stamps at cost?

Mr. JANZEN. We assume that we do.

The CHAIRMAN. That sounds like a large amount to me. They aren't making a little profit off you? You assume you are getting it at cost?

Mr. JANZEN. Yes, that is what we are assuming.

We are in agreement with the primary objective of the bill—that of insuring that a greater proportion of the funds be used for a vigorous land acquisition program. The eventual fate of waterfowl and the sport of waterfowl hunting is uncertain, more so in fact than any other game species. Habitat is the basic need. A national wetlands inventory completed in 1955 revealed that only 8,820,000 acres of waterfowl habitat having a high use value and 13,617,000 acres of such habitat having a moderate use value remained in the continental United States. The future of the waterfowl resource lies in safeguarding these lands.

Even the provisions of the proposed bill would not meet the needs. Available information on waterfowl habitat needs indicates that 12,500,000 acres should be in public control. Studies are underway to determine what portion the States will acquire. It is estimated that about 5 million acres will be their share, leaving 7,500,000 acres as the Federal portion. We have already acquired approximately 3,500,000 acres of waterfowl habitat which leaves about 4 million acres to be procured.

We estimate that the annual revenues from the sale of duck stamps will be approximately \$4,500,000. Earmarking 65 percent for land acquisition would amount to \$2,925,000, as compared to \$1,400,000 of duck stamp funds budgeted in 1958—an increase of \$1,525,000. We propose an expenditure of \$1,600,000 from duck stamp revenues for land acquisition in 1959. The 65 percent earmarking provisions of S. 2617 would result in an increase of \$1,325,000 over our proposed 1959 program. Based on current estimates, land for waterfowl habitat will cost about \$40 per acre, including appraisal and acquisition expenses. Thus under S. 2617 it would take 55 years to accomplish the goal of meeting the Federal share of the need for the acquisition of refuge lands.

The other activities now financed from the 85 percent earmarking involve \$3,724,000 in the current fiscal year and \$2,697,000 in 1959.

By way of comparison with the provisions of S. 2617 the proposed restrictive limitation of 20 percent would give a maximum of \$900,000. Thus it would be necessary to finance an additional \$1,797,000 out of annual appropriations from general funds in the Treasury to maintain these activities at their current level. If these funds should not be provided by the Congress, it would become necessary to curtail drastically refuge maintenance and operations, as well as the research and survey programs upon which the annual waterfowl hunting regulations and management are based.

The third feature of the bill which would grant authority to acquire or control small wetlands as waterfowl production units is definitely needed. At present the Migratory Bird Hunting Stamp Act, as amended, permits the opening of a maximum of 25 percent of the duck-stamp acquired land within a refuge when there is no decline in the populations of waterfowl frequenting the areas, and when the refuge is fully developed. Under the proposed program of preserving small wetlands in the production region, we plan to acquire or lease strategic areas. These will be small scattered marshes which have no significant value as sanctuaries for the birds during the migration period. We believe it would be costly to maintain these as refuges during the hunting season.

Further, we have learned that many of the landowners would object to the inviolate sanctuary features if they were called upon to lease or sell their wetlands. In order adequately to carry out the planned program we propose that these areas remain open during the hunting season.

While we endorse the general objectives of the bill—that of acquiring additional waterfowl habitat—we recommend that it not be enacted in its present form. Rather, the Department of the Interior has suggested—and here is where I am now explaining the Department report which was the supplementary report and which we anticipate will be over by the first of next week—in substitution of the present provisions of S. 2617, language that would strengthen the program financing by increasing the price of the duck stamp from \$2 to \$3. Such an increase clearly is justified in view of the increased costs incident to land acquisition and the management of the migratory waterfowl resources since the increase from \$1 to \$2 in 1949, plus the necessity for additional funds to step up the tempo of land acquisition.

In addition, the Department suggests that 100 percent of the net revenues from the sale of duck stamps, that is, the gross revenues less the costs of the Post Office Department in the printing and sale of the duck stamps estimated at \$144,000 annually, be earmarked for land acquisition.

On the basis of the current rate of sale of approximately $2\frac{1}{4}$ million duck stamps annually, this would provide for an annual land-acquisition program of \$6,606,000.

The CHAIRMAN. You are going to propose that all of the money be used for land acquisitions?

Mr. JANZEN. That is correct, sir.

The CHAIRMAN. You go much further than the bill in that respect—

Mr. JANZEN. That's right.

The CHAIRMAN. If the duck stamp is increased from \$2 to \$3. If it is not increased to \$3, would you have the same suggestion?

Mr. JANZEN. I think that would be consistent; yes.

The CHAIRMAN. In other words, you would suggest that 100 percent be used, regardless of whether the stamp remains at \$2 or whether we raise it to \$3?

Mr. JANZEN. Yes, sir.

The CHAIRMAN. Maybe you cover this later in your statement, but would you then ask for direct appropriations?

Mr. JANZEN. I cover that later in my statement.

The CHAIRMAN. All right.

Mr. JANZEN. Such a program would be \$3,825,000 higher than that proposed in S. 2617. While this program would be 4 times greater than the estimated 1959 program of \$1,600,000, it is still considerably less than adequate as is amply evidenced by the fact that it would take approximately 25 years to achieve our goal of 4 million acres at prices estimated.

The CHAIRMAN. In general terms, the way we are going now, it would take us almost 90 years to get those 4 million acres?

Mr. JANZEN. Yes, sir.

The CHAIRMAN. Under this bill it will take us, as you point out, 50 years?

Mr. JANZEN. Twenty-five, under our proposed bill.

The CHAIRMAN. Under the bill that is here?

Mr. JANZEN. Yes; and 55 under S. 2617.

The CHAIRMAN. You propose 100 percent, which would take about 25 years.

Mr. JANZEN. Yes, sir. And, as I want to point out here, we feel it is so important that this be done within the shortest time because these lands are rapidly becoming either unavailable or being lost. I mean they are being lost through drainage and conversion for agricultural purposes and so on.

Nevertheless, it would be a program that would enable an accelerated rate of progress toward our goal and would permit an effective concentration of effort on the more critically needed areas.

It should be emphasized that either proposal—S. 2617 or the program suggested by the Department—would require the appropriation of additional funds to maintain those programs, such as, administration of wildlife refuges, law-enforcement activities and research, which presently are being financed in part with duck-stamp funds. At the level estimated for fiscal year 1959 the additional appropriation would be \$3,304,000 for the program suggested by the Department and \$2,123,000 for S. 2617.

The CHAIRMAN. Why the extra million dollars under the program suggested by the Department?

Mr. JANZEN. Because we are earmarking 100 percent for land acquisition.

The CHAIRMAN. Let me get this straight in my mind. This year, under S. 2617, you would ask for \$2 million direct appropriation—\$2,123,000—for the administration and law-enforcement activities and research?

Mr. JANZEN. Yes, sir.

The CHAIRMAN. And under the program suggested by the Department you would ask for \$3 million because the 100 percent would take up that million dollars that normally you would use under the Senate proposed bill?

Mr. JANZEN. That's right.

The CHAIRMAN. And that would come then as a direct request by the Department of Interior for appropriation to administer and to provide law-enforcement activities and research for lands that the Federal Government owned?

Mr. JANZEN. That is correct.

The CHAIRMAN. And would have to maintain?

Mr. JANZEN. That is correct.

The CHAIRMAN. It seems to me that is a little more sensible than the way we have been going at it.

Mr. JANZEN. We are inclined to think so, too, sir.

The CHAIRMAN. It would then be the responsibility of the Department and the Congress to see that it stood on its own feet, and would have nothing to do with the acquisition. Once we decide to acquire the land then it is our responsibility to adequately maintain it and enforce it and have the research.

Mr. JANZEN. Yes, sir.

The CHAIRMAN. And from year to year, of course, that might go up or down. But it would be approximately that amount.

Mr. JANZEN. Yes, sir.

Also, we wish to call to the attention of the Congress the urgent need to modify the proviso in section 4 (a) of the act concerning the amount of a refuge area acquired with duck-stamp funds that may be opened to the taking of waterfowl. The present provision permits the Secretary of the Interior, under certain conditions, to open to hunting up to 25 percent of any area acquired with duck-stamp funds. Recent legal study indicates that refuge lands acquired with other funds pursuant to the Migratory Bird Conservation Act cannot be opened to hunting.

The CHAIRMAN. Let me ask this question: We are dealing here only with hunting; you have some of these lands. Under present law can they be opened for other purposes?

Mr. JANZEN. Our land on our national wildlife refuges are used for a multiplicity of purposes; yes, sir. We have grazing, haying, agriculture.

The CHAIRMAN. I understand, though, the criteria is if they don't affect adversely the wildlife, the objective of the refuge.

Mr. JANZEN. That is correct, sir.

The CHAIRMAN. The reason I ask is, in back of McNary Dam we have created a great man-made body of water. There are some islands in there, where once in a while, there are ducks and geese from the fly-way during the season. In the desert it is more compelling to people to get boats and take advantage of this body of water. They wanted to use some of those islands for landing purposes. They have a couple of yacht clubs in the desert. We had discussions with the Department as to whether it should open it up. I would be the last one to suggest that they could use it to land there or have picnics there if it interfered with the purposes of the refuge. But if it didn't, it can be used for other, generally speaking, public purposes, such as grazing.

Mr. JANZEN. That is correct. It is our policy to make those lands available for public use as far as we can go, as long as it doesn't interfere with the primary objective of the refuge.

The CHAIRMAN. As we acquire these lands—and I hope we will—there are going to be some people who will see them there and think that this can be used for this or that, and we will have a great deal of pressure in many cases to sometimes use them in a wrong way, but there could be some public use that might be of benefit to a lot of people.

Mr. JANZEN. That's right.

The CHAIRMAN. I suppose the yachtman thinks his sport is just as important as the duck hunters.

Mr. JANZEN. And many times, though, they are the only water bodies in that section.

The CHAIRMAN. This is the only big one there. But that is the criteria. And as far as you know, that will continue to be the test as we continue to acquire these lands?

Mr. JANZEN. That's right, sir. I would like to add one other observation.

The CHAIRMAN. I might say right here that one of the members of this committee, who said he couldn't be here today—Senator Bible of Nevada—has a great interest in this matter because of the very nature of his State, his area. He wanted me to ask you this question, and you have answered it. He wanted me to ask you, and I quote him:

In your opinion, what is needed from the duck-stamp fund for adequate wetlands acquisition program? Isn't 100 percent the only answer for saving waterfowl?

Mr. JANZEN. That is interesting.

On many refuges there is a patchwork of acquisition involving purchases from several sources of funds. In many such areas no useful purposes would be served by opening 25 percent of the scattered, oft-times noncontiguous tracts of land acquired with duck-stamp revenues. To correct this situation we have recommended that the Secretary be given authority to open up to 40 percent of any refuge which has been or may be required in the future. If the Congress does not favor the opening of as much as 40 percent of a refuge, we sincerely urge that the present provision for opening 25 percent be expanded to include any refuge lands regardless of the source of funds or other manner of establishment.

We suggest that this be done by striking out the present provision for opening 25 percent of duck-stamp acquired lands to hunting and substituting in lieu thereof the following language:

Provided, That not to exceed 25 per centum at any one time of any area which heretofore has been or which may hereafter be acquired, reserved, or set apart for the use of the Department of the Interior as an inviolate sanctuary for wildlife under any law, proclamation, or executive order, may be administered by the said Secretary, in his discretion, as a wildlife management area within which the taking of migratory birds may be permitted under such regulations as he may prescribe but no such area shall be opened to the taking of migratory birds when the said Secretary determines that the population of such birds in the migrations utilizing such area is on a decline or that such taking would interfere with the primary purpose for which the area was established or is being maintained.

Right there I would like to add one point, brought up in an earlier discussion, as to the purpose of opening some of these areas to waterfowl hunting.

I was regional director in the Middle West for 10 years, and a number of those areas were opened under my direction, so I am quite familiar with the history that led to their opening.

In many of these areas, especially our goose refuges, we built up substantial populations of geese and the hunting public is practically excluded from participating in the recreation which is furnished by a public investment. In other words, the entire benefit went to the immediate surrounding landowners who could either keep off the public domain entirely or handle it any way they wish, and usually they handled it to the point where it greatly increased the value of their lands, which was all right, except we felt that the public should be entitled to the use of this recreation. We have, in opening these areas, worked out methods in the Middle West, opening a strip between the refuge part that remains closed and the private lands on the outside, which is then opened to the general public on a permit or limited basis, which means that the public participates but that the total kill may not be any higher or much higher than it would be left as it was before, except that the public at least now participates in the harvest as well as the private landowners who happen to be there probably just by accident, or they were there first and we put in the refuge later.

The CHAIRMAN. I suppose we would run into a conflict of two theories here. If a fellow buys a duck stamp for the purpose of preserving ducks, he wants to hunt ducks.

Mr. JANZEN. That's right.

The CHAIRMAN. And he feels as you do, by virtue of his contribution of \$3 to create more ducks, that he should be allowed to go in and hunt the ducks under conservation regulations. Where you acquire other lands, that comes out of everybody's pocket from other funds. It comes out of the pocket of every citizen of the United States, and therefore its uses would have to coincide with the general objective of these lands, such as Mr. Peters' idea, that he—the Audubon Society group—would pay for acquisition of those lands and they would surely have something to say about how you would use them. But the duck-stamp lands were acquired for the purpose of preserving ducks so that they could be hunted.

Mr. JANZEN. One of the primary purposes of requesting that this be made applicable to other lands is that under a ruling we received we have to look at the individual tract. In other words, we may want to open a strip of land which can be managed.

The CHAIRMAN. Then of course you have these two theories which are applied to both types of lands, but you run into the practical problem down there where you have a combination of the group, and where the overall objective for everybody might be better served, as I understand your point, if you were allowed to have a little discretion and flexibility in the use of those lands toward the conservation purposes.

Mr. JANZEN. That is correct.

The CHAIRMAN. Or without being injurious to conservation of wildfowl.

Mr. JANZEN. That is correct. We think this is very important. In fact, if this is not done, we are going to have quite a problem working out any orderly hunting on those areas.

One other feature which has been included in the proposed amended bill relates to effective dates. In order to avoid confusion as to when the price of the stamp will be effected, it is recommended that July 1, 1959, be fixed as the effective date. In order to give sufficient time to revise the programing of the funds budgeted for waterfowl management activities, we believe that the earmarking feature should not be effective until July 1, 1960.

In conclusion, we believe that the Nation's waterfowl program will be strengthened under the revisions recommended by the Department.

That concludes my statement.

The CHAIRMAN. Thank you very much. We will put the formal letter in the record in full when it comes up next week, as stated previously.

This hearing has taken a new trend, in view of the Department's recommendations. I wish all you people who are interested will submit a very brief statement on your opinions on the Department's recommendations.

Mr. CALLISON. We would be very happy to do that.

The CHAIRMAN. This will conclude the hearing for today.

(Thereupon, at 12: 51 p. m., the subcommittee was adjourned.)

FISH AND WILDLIFE LEGISLATION

FRIDAY, MARCH 7, 1958

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
SUBCOMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D. C.

The subcommittee met, pursuant to adjournment, at 10:30 a. m., in room G-16, United States Capitol, Hon. Warren G. Magnuson (chairman of the committee) presiding.

The CHAIRMAN. The committee will come to order.

Before we proceed with the business scheduled for this morning, yesterday we had witnesses on two bills in the general field of fish and wildlife, and one related to the question of insecticides and the other on a question of the allocation of duck stamp money. Unfortunately, many of the witnesses that were to appear could not be here, because you had a convention in St. Louis, but some of those people are here, and the Chair poses the question whether or not you want to make a further statement on the duck stamp proposal now, or wait until the witnesses on this phase are over, because I understand most of you want to testify on that, too—I mean the organizations that are represented here.

Mr. BIGGS. Mr. Chairman, I have a statement to make on duck stamp legislation.

The CHAIRMAN. I suppose you are familiar with the proposal of the Department of the Interior which subsequently changed the situation, and I suggested to the witnesses if they had any comments to make regarding that new proposal of the Department of the Interior that it might be well to do so now.

John, you come up now and we will hear from you on the duck stamp matter. I might say to Senator Neuberger of Oregon, he might be interested in this, too. It affects all of us in that area.

This is John Biggs, head of our State Game Department in the State of Washington.

STATEMENT OF JOHN A. BIGGS, PRESIDENT, INTERNATIONAL ASSOCIATION OF GAME, FISH, AND CONSERVATION COMMISSIONERS

Mr. Biggs. Thank you, Mr. Chairman.

The International Association of Game, Fish, and Conservation Commissioners, which it is my honor to serve as President, is composed of the State and provincial game and fish agencies of the United States and Canada. These agencies are represented in their associa-

tion by their commissioners or top executive officers. I am the director of the Washington State Game Department.

Under treaties with Canada and Mexico, the United States Fish and Wildlife Service of the Department of the Interior has the primary responsibility for the management and conservation of migratory waterfowl resources. However, the State game departments cooperate in, and share, this responsibility in important ways. While the Secretary of the Interior sets the seasons and bag limits and promulgates other regulations governing the harvest of migratory game birds, the States assist in the enforcement of those regulations. In fact, the State agencies provide most of the enforcement manpower.

It is our duty, cheerfully and voluntarily accepted, to assist in waterfowl research and surveys, and to make recommendations pertaining to the regulations promulgated each year by the Secretary of the Interior. Such recommendations are coordinated and channeled through the Flyway Councils.

Utilizing State funds and Federal-aid moneys available under the Pittman-Robertson Act, many of the States have acquired or otherwise established considerable areas for waterfowl management purposes. These State areas supplement the Federal system of migratory bird refuges.

The administration of public hunting areas also falls upon the shoulders of the State game departments including, customarily, such portions of Federal refuges which may be opened for public hunting under present provisions of the Migratory Bird Hunting Stamp Act.

The States put money and manpower into the National Wetlands Inventory completed in 1955 by the Fish and Wildlife Service and referred to by Director Daniel H. Janzen, of the Bureau of Sport Fisheries and Wildlife, and in earlier testimony before this subcommittee. We concurred in the findings of that inventory, which revealed only 8,820,000 acres of high-value waterfowl habitat remaining in the United States, and only 13,617,000 other acres that can be classified as of moderate value for waterfowl.

We share the national apprehension—and we feel it keenly—that drainage, pollution, encroachments by agriculture and industry, and other factors, may destroy this vital habitat before sufficient areas can be brought under Federal and State control to assure the conservation and future sound management of a great recreational resource.

While the Canadian members of our association customarily refrain from asserting themselves in matters before the United States Congress, nevertheless they are full partners with us in meeting the problems of migratory bird management. They are partners by virtue of the facts of geography and nature, and by virtue of the International Migratory Bird Treaty. In speaking here as president of the international association, I do not forget for a moment the interests of our Canadian neighbors.

Mr. Chairman, the international association has for several years advocated amending the Duck Stamp Act to allocate a definite proportion of the receipts for acquisition of waterfowl areas. Justly or unjustly—and we feel the latter word applies—we have been on the receiving end of much of the growing wrath of the sportsmen who believed, when the Duck Stamp Act was passed, that most of the money was going into an acquisition program.

Therefore we commend you, Mr. Chairman, for introducing S. 2617, which would earmark 65 percent of the receipts of the present \$2 duck hunting fee for land acquisition purposes. We commend you for the second important provision in S. 2617, namely, the language in section 3 authorizing the acquisition of small waterfowl production areas, which areas would not be subject to the inviolate sanctuary provisions of the Duck Stamp Act.

Last September 9-10, at its 447th annual meeting held in Las Vegas, Nev., the international association adopted a resolution calling for the earmarking of not less than 50 percent of duck-stamp revenues for wetlands acquisition, and further recommending an increase in the duck-stamp fee to \$3. Our resolution also requested Congress to appropriate additional moneys to equal the contributions by sportsmen and to assure a first-class action program—in time to save the resource. A copy of that resolution is herewith submitted, and with the permission of the subcommittee we should like for it to appear as a part of the record.

The CHAIRMAN. Without objection, it will be included in the record. (The document referred to follows:)

INTERNATIONAL ASSOCIATION OF GAME, FISH, AND CONSERVATION COMMISSIONERS,
47TH ANNUAL MEETING, SEPTEMBER 9, 10, AND 11, 1957, LAS VEGAS, NEV.

RESOLUTION: INCREASED FUNDS FOR WET LANDS ACQUISITION AND MANAGEMENT
DUCK STAMPS

Whereas there is urgent need for the preservation of the remaining wet lands of the United States in order to provide adequate breeding and wintering grounds for the continental population of waterfowl; and

Whereas there is urgent need for public funds for the acquisition and leasing by the United States Fish and Wildlife Service of the majority of the 8 million acres of wet lands that are vital to this conservation effort and funds are also needed for the development and maintenance of such areas; and

Whereas the migratory waterfowl hunters of the United States have contributed more than \$50 million through the purchase of duck stamps to perpetuate migratory waterfowl; and

Whereas the duck stamp, as a means of raising funds for the above-mentioned purposes, was accepted by the American public with the pledge that the funds would be used primarily for wet land acquisition; and

Whereas Congress has failed to meet its obligation to the millions of people interested in the preservation of waterfowl; and

Whereas the waterfowl resources of the North American Continent are a public responsibility recognized by international treaty; and

Whereas it is recognized that land costs are much higher than they were a few years ago, requiring the outlay of considerably more money to accomplish the objectives, which, coupled with a corresponding increase in other governmental costs, has rendered the present \$2 duck stamp inadequate; Now, therefore, be it

Resolved, That the International Association of Game, Fish, and Conservation Commissioners goes on record approving a \$1 increase in the duck stamp to aid the above objectives with the definite understanding that (1) the entire income from duck stamps will be matched by appropriations from general public funds; (2) that not less than 50 percent of such combined funds be allocated to the acquisition or leasing of wet land areas for waterfowl management purposes; (3) that substantial areas in the so-called pothole country of the Prairie States be acquired or leased for nesting and feeding grounds; (4) that not more than 40 percent of said funds be available for administration, operation, management, and maintenance of said waterfowl management and wet land areas, and (5) that the remainder be used for enforcement, and for the distribution of these stamps.

Mr. BIGGS. At this point, Mr. Chairman, I wish to add the enthusiastic endorsement of our association to the alternative proposal presented here yesterday by Mr. Janzen, speaking for his Bureau, the Fish and Wildlife Service, and the Department of the Interior.

I refer to his proposal that the Duck Stamp Act be amended to provide a \$3 license for hunting migratory waterfowl, and to earmark all the revenues therefrom for acquisition of wet lands, excepting such sums as are needed to reimburse the Post Office Department for the cost of printing, distributing, and selling the stamps.

Although our association has not had an opportunity to act on the details of this plan, it has been considered by the executive board of the committee and appears to have the enthusiastic endorsement of the entire organization. I have no hesitancy whatsoever in saying this. Frankly, we never dreamed or felt that the Bureau of the Budget could be persuaded to go along with such a realistic and forward-looking proposal.

I am certain I can pledge the full support of our association for the additional, direct appropriations that Congress will be asked to provide for maintenance and operation of the national wildlife refuges and for other parts of the waterfowl program.

We favor the \$3 duck stamp, as endorsed in our resolution at Las Vegas, because if earmarked, it will provide a more realistic sum of money annually for wetlands acquisition. From the standpoint of the State game departments, I see another important advantage to earmarking the whole sum of the revenues—100 percent—for acquisition of waterfowl management areas. Such an amendment to the Duck Stamp Act will provide a dependable, calculable, annual sum upon which the Fish and Wildlife Service can plan and base its acquisition program. By the same token, it will permit the States to plan a definite, long-range program for the acquisition and development of State-owned areas to supplement the Federal program.

If we know the Federal Government is going to have \$6 million or \$7 million annually for land acquisition, next year and for years to come, we can then map out, in cooperation with the Federal Government, a definite program and determine in advance exactly which areas are to be acquired and developed by the Federal Government, and which are to be acquired and developed by the State game departments utilizing funds that are available to the States.

We also endorse the recommendation made by Mr. Janzen that the Secretary of the Interior be permitted, in his discretion, and under certain conditions, to open for public hunting purposes up to 40 percent of any national wildlife refuge. Such an amendment would provide an important tool, now lacking in many areas, for the scientific management of waterfowl resources.

Mr. Chairman, in behalf of the International Association of Game, Fish, and Conservation Commissioners, I respectfully urge early and favorable action by your committee on legislation to embody the recommendations presented here by Mr. Janzen.

Thank you for the privilege of presenting our view.

The CHAIRMAN. Thank you, John.

Now, let me ask just 3 or 4 brief questions here.

The Department of Interior recommended as an alternative to the 40 percent that at least legislation—or the act should be amended,

or the law, allowing them to open up 25 percent of all the lands in a so-called refuge, that is lands that are acquired by duck stamp money, and other lands.

Under the present law they are now prohibited from opening up the other lands that are acquired directly by so-called appropriations.

Mr. BIGGS. That is correct.

The CHAIRMAN. Now, in lieu of the 40 percent which would frankly, I think, run into much more difficulty, as a legislative matter, would your association in your opinion indorse the alternative?

Mr. BIGGS. I believe they would, Senator. We are extremely anxious to provide some guaranty to the general public of some public hunting on these refuges.

The CHAIRMAN. Then, also, the suggestion on the so-called pocket areas—

Mr. BIGGS. The small areas.

The CHAIRMAN. That they have wide flexibility in those particular areas, because, as a practical matter, I think you would say from our own vast vast experience in this matter that the benefit of the small areas is more over the whole year period and not for just, say, the hunting season.

Mr. BIGGS. That is correct. We weren't interested in that provision of the bill.

The CHAIRMAN. Now, the present duck stamp funds averaged a little over \$5 million, at \$2, so we could anticipate, probably, \$7 million at \$3.

Mr. BIGGS. That is correct.

The CHAIRMAN. Less the \$144,000 or \$150,000 for the cost of printing the stamps.

Mr. BIGGS. We feel, Senator, the most recent proposal of the Fish and Wildlife Service is by far the best which has been presented, and we were extremely pleased to know that it had the clearance of the Budget Bureau.

The CHAIRMAN. They are going to send a detailed letter to us next Monday or Tuesday on the matter.

Mr. BIGGS. The position of the association has been to allocate the greatest amount of money possible for land acquisition, and our 65 or 50 percent figures were based on what we thought was the most that could be had.

The CHAIRMAN. I thought I was reaching pretty high with 85, and I am very pleased with the proposal.

Now, that would mean, so those who were not here yesterday can keep the record straight, under the present plan it would take us almost 90 years to acquire the land that is available for this purpose, which is rapidly disappearing for various reasons.

Mr. BIGGS. That is correct.

The CHAIRMAN. Under the Senate bill, 85 percent, we would run between 40 and 50 years, but if we raise it to \$3 and have the 100 percent, we can probably achieve this program in 20 to 25 years.

Now, another question; under the Pittman-Robertson Act, so the record is clear, the States receive grants-in-aid; is that correct?

Mr. BIGGS. That is correct; yes.

The CHAIRMAN. Upon an approved program?

Mr. BIGGS. That is correct.

The CHAIRMAN. Which is sent to the Fish and Wildlife; is that correct?

Mr. BIGGS. The program is submitted by the State to the Fish and Wildlife Service and approved by them.

The CHAIRMAN. And I suspect that there is hardly any part of this particular phase of our Fish and Wildlife program in which the States are not in the act in some respect.

Mr. BIGGS. There is a very close partnership and working relationship between the States and the Fish and Wildlife Service in waterfowl matters.

The CHAIRMAN. Now, this poses a second question, and being a member of the Appropriations Committee I appreciate some of the practical pitfalls involved there, and the Subcommittee on Interior, incidentally.

The Department of Interior I think will estimate on Monday that they are going to have to ask for about \$3 million as a direct appropriation to carry out the management, policing, and other phases of the refuge, and the acquisition of the lands.

I ask whether or not the State people think that is enough to carry out the purposes, or are you short in the management and policing and so on and so forth?

Mr. BIGGS. Well, Senator, there is always need for additional funds for the management of field life. At this time, if there could be assurance that definite sums of money in the range of \$6 to \$7 million annually were going into a land acquisition program which would probably provide for the permanency of waterfowl on this continent, and that those funds were being put up by the people who hunt migratory waterfowl—which is true, they would be paying for the program themselves—we feel that the United States Government in the course of maintaining its wildlife resources might well add the additional funds which could be \$3 million or perhaps somewhat more, even, to assure that the values in this land refuge program can be maintained and expanded with the proper use of police powers and management functions.

The CHAIRMAN. And then wouldn't you also create—I don't know how much interest—but some interest with those people who do not necessarily hunt, who want these things preserved?

Mr. BIGGS. I think your point is a very good one, because we have many conservation groups who do not directly participate in the harvest of wildlife, but who have a deep interest in it because of other reasons. They are nature lovers.

The CHAIRMAN. It was suggested here yesterday that if everybody knew that the \$3 was going for land acquisition, there might be lots of people who would buy a \$3 stamp and never hunt at all.

Mr. BIGGS. I think that is very, very true.

The CHAIRMAN. Now, that wouldn't be the chairman here. He is out there trying to get them when the season is open.

Mr. BIGGS. I know that.

The CHAIRMAN. But there would be several people who would be interested from that phase of it, because we would know then that the program was directed toward the overall preservation and conservation of waterfowl.

Mr. BIGGS. And would make it permanent.

The CHAIRMAN. And then we also could have, as you point out, a pretty solid program, we know where we are going the next decade.

Mr. BIGGS. We would further afford common people an additional opportunity to hunt waterfowl on some of these lands.

The CHAIRMAN. We have a lot of people who do not belong to a duck club out in our State—that is true all over—and we must provide a place for them to hunt.

Mr. BIGGS. More and more we find we have to provide a place to hunt for the average license purchaser.

The CHAIRMAN. And without this flexible provision in the Department to open up certain areas when they deem it advisable, I think you will open up more and more to the public.

Mr. BIGGS. That is correct.

The CHAIRMAN. And in this case now the public will be participating out of their pockets if we have direct appropriations.

Mr. BIGGS. That is correct. It is a partnership arrangement.

The CHAIRMAN. Thank you, John.

Mr. BIGGS. Could I, while I am sitting here, Senator, say also that the international association strongly endorses your bill, S. 2447, for the control and research program on pesticides, and we have a resolution on it.

The CHAIRMAN. Now, I want to ask one more question, and you probably can't answer this for the association, but from your own personal experience in this matter, how is that Mexican treaty working out, generally?

Mr. BIGGS. Well, we find, for instance——

The CHAIRMAN. I am not questioning the motives of the people in Mexico that entered into the treaty, but is it being enforced, or are they having practical problems?

Mr. BIGGS. I think they do have a number of practical problems. The difference is that the people of Canada are much more aware of the value of waterfowl than are the people of Mexico. However, we notice a growing interest in Mexican administration of wildlife. Probably the situation is one which has shown some steady improvement, I think.

The CHAIRMAN. Are we making any progress with Cuba?

Mr. BIGGS. I am not familiar with that.

The CHAIRMAN. There has been little or no cooperation with Cuba, so far?

Mr. BIGGS. That is my understanding.

The CHAIRMAN. Of course, I think sooner or later we have to get everybody in this thing or we aren't going to accomplish what we are trying to do.

Mr. BIGGS. That is definitely true.

The CHAIRMAN. Thank you.

Mr. BIGGS. Thank you very much, Senator.

The CHAIRMAN. I would like to accommodate my colleague, Senator Neuberger, and start the hearings on his bill.

(Whereupon, at 10:50 a. m., the subcommittee proceeded to further business.)

When I say "acquisition," may I explain this. I mean not only purchase, but there are many areas where it will be necessary for us to either get easements or leases on the land, because many of the farmers in the Northwest will not sell a piece of property out of the middle of their farm so the only way we can get that for propagating purposes, I am going to use that phrase, would be to go into a lease on that.

The CHAIRMAN. The testimony was and the record will show, I think I am correct, under the present rate of acquisition of land, it would take us almost 90 years.

Secretary LEFFLER. It would take us at least that long.

The CHAIRMAN. That is to acquire what we think is necessary for a rounded migratory waterfowl refuge. Under the Senate bill with 65 percent earmarked for acquisition it would take us almost 50 years, but under the present proposal of the Department raising it to 100 percent, less the Post Office Department charges, and with the duck stamp \$3, we could complete this program in approximately 20 or 24 years.

Secretary LEFFLER. Even less, unless the price of land skyrockets in the meantime, because it gives us in round numbers about \$6 million a year.

The CHAIRMAN. I think for the record we ought to show since the enactment of March 16 of 1934, we have raised \$54 million from the sale of stamps, but only about 13 percent, or \$5,570,000 has gone to land acquisition and we own 3 million acres now.

Senator SMATHERS. I am curious. We raise \$50 million and fourteen is going for land acquisition. What is the balance of \$46 million going for? What do you do with this money?

Secretary LEFFLER. The actual amount of money that we received after the Post Office charges was \$49,431,000, out of the \$54 million that the Senator mentioned.

The Post Office Department got theirs out of it. Then land acquisition took another \$7,449,908. Enforcement received \$6,490,950; research, \$2,287,519. Refuge maintenance, \$18,395,573. Refuge development, \$10,513,588. Engineering, \$676,650. Administration, \$1,925,814. And what we call river-basin studies or wetlands studies, \$681,670. That is the way the money went.

And that \$7,449,908—that was all that was available for land acquisition.

The CHAIRMAN. Yes. We have a breakdown in the record for the first hearing for a typical year—what is proposed for 1959.

Secretary LEFFLER. That is right.

The CHAIRMAN. Which shows the land acquisition to be only one million six out of 5 million—out of \$5,548,000 under the present law.

Secretary LEFFLER. That is correct.

The CHAIRMAN. Then, it was stated by the Department that for operation, maintenance, management, enforcement, and all those things, that then you would come to the Appropriations Committee of the Congress and ask for X number of dollars to maintain the national migratory management areas?

Secretary LEFFLER. That is correct.

The CHAIRMAN. Which will make better bookkeeping for us, too.

Secretary LEFFLER. Yes. And you know how much money we are putting into it.

The CHAIRMAN. I want to commend the Department on this move because I think it will make better bookkeeping and let us know where we stand. Then we can go on and complete the program in a short period of time because, Senator Thurmond, all these land areas that are available, are gradually getting more and more valuable. Although the price now averages about \$40 an acre, if we stall around too long, it might go much higher.

I think the testimony will show that we anticipate about 10 million or 12 million acres before we are done.

Secretary LEFFLER. The total, the States and ours, would be about 121½ million acres of which we would probably want to take on about 7½ million acres, or approximately 4 more million acres.

The CHAIRMAN. We will put the substitute, the amendment in the record in full. And that is what the committee will consider. And your letter to the committee in full, as sent to us on March 11.
(The information is as follows:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., March 11, 1958.

HON. WARREN G. MAGNUSON,

*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: The Senate Committee on Interstate and Foreign Commerce has before it for consideration S. 2617, a bill to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended.

In its present form the bill would modify the existing act in the following respects: (1) Not less than 65 percent of the revenue derived from the sale of migratory bird hunting stamps, commonly referred to as duck stamps, would be available for the location, ascertainment, and acquisition of inviolate migratory bird refuges; (2) not more than 20 percent would be available for administration, maintenance, and development of refuges and for surveys and investigations involving migratory waterfowl; and (3) the remaining 15 percent would be available for enforcing laws for the protection of migratory birds and for the cost of printing and distributing the duck stamps.

On February 14, 1958, this Department recommended that this bill not be enacted. This adverse recommendation was prompted by the fact that no basis exists for earmarking 65 percent, in contrast to some other percentage, for land acquisition and, more importantly, by the knowledge that such earmarking of the revenues from the present \$2 duck stamp would fall short of meeting the immediate needs for land acquisition. This legislation has since received further study and it has been concluded that the widespread demand and recognized need for an accelerated program of refuge land acquisition can best be met by 2 major changes in the law which provides the source of funds for purchasing refuge lands.

The first of the suggested changes proposes an increase in the cost of the duck stamp from \$2 to \$3 and the second would authorize the use of the revenues thus produced (after deducting the cost involved in the printing and sale of the stamps) for land acquisition and incidental administrative expenses. In addition to the need for amendatory legislation to increase the price of the duck stamp and authority to utilize the net proceeds of duck-stamp sales for refuge land acquisition, certain other amendments to the present act are desirable to facilitate better management of refuge lands. To accomplish the objectives hereafter explained in greater detail, we recommend that S. 2617 be amended to conform to the accompanying draft and urge that, as so amended, the bill receive prompt and favorable consideration by the Congress.

S. 2617, if amended to read as indicated in our suggested revision, would accomplish the following objectives:

I

The price of the duck stamp would be increased from the present price of \$2 to \$3. With the increased cost of land, equipment, and materials and higher salaries and wages since the last increase in the price of the duck stamp effected in 1949, such a price increase is essential to produce more revenue from the

sportsmen who primarily benefit from this program, and thus make it possible to increase materially the rate of progress in the acquisition and eventual development of migratory bird refuges.

There has been considerable discussion during the past 2 years concerning the necessity for increasing the price of the duck stamp. At the September 1957 meeting of the International Association of Game, Fish, and Conservation Commissioners (the official organization of the State fish and game conservation departments), a resolution was adopted which included, among other features, the recommendation that the price of duck stamps be increased to \$3. Similarly, the Advisory Committee to the Assistant Secretary for Fish and Wildlife, a group composed of leading conservationists, made a like recommendation at its December 1957 meeting. Several of the State federations of sportsmen's clubs and regional game associations have adopted similar resolutions. Consequently, we believe there will be general support for the increase in the price of duck stamps provided such an increase is accompanied by assurances to the contributing sportsmen that there will be an accelerated program of acquisition of waterfowl habitat.

II

After deducting the cost of printing and distributing the duck stamps, all of the revenues would be available for expenditure for the location, ascertainment, and acquisition of lands for migratory bird refuges and waterfowl production areas.

At the present time, the 4 flyway councils and the Fish and Wildlife Service are cooperating in the development and implementation of long-range plans for the management of waterfowl in each flyway, including the acquisition of necessary habitat. It is contemplated that there will be a State-by-State appraisal of the remaining habitat and a determination of the areas which should be preserved and by which governmental agency. This cooperative venture is fully in keeping with the concept of State-Federal partnership. The States have demonstrated a deep interest in and a willingness to share the burdens incident to the management of these valuable resources. These surveys and appraisals of the remaining habitat are in process or about to begin and will form the basis of future acquisitions. Although final figures are not now available to indicate the total acreage to be acquired by the Federal Government, it is obvious that funds in much larger amounts must be devoted to land purchases than has been possible during past years if we are to preserve as waterfowl habitat even a minimum portion of the remaining areas of marsh and wet lands.

The primary objective of our present proposal is to acquire vital waterfowl habitat while the opportunity for such an accomplishment is still available even though it may be necessary to defer for some years the development of these lands. The loss of such lands through drainage and subsequent use for agricultural, urban, and industrial development continues at a rapid pace and only by placing such lands under Federal control through purchase or lease can we hope to preserve sufficient acreage to provide essential breeding, feeding, resting, and wintering areas in this country to accommodate the needs of migratory waterfowl.

Although it is estimated that it will cost an average of \$40 per acre for the land and expenses incident to acquisition, this cost is relatively insignificant when compared to what the cost would be following improvement and development by the landowners.

Not all of the habitat to be acquired will require development or extensive maintenance. However, some areas will require improvement for maximum waterfowl-use purposes, but this improvement will be undertaken only on the basis of actual need, as determined by the Department in keeping with Federal responsibilities and requirements. In conducting our future programs following the enactment of this legislation, we will request funds through the normal budgetary processes for the development, maintenance, and operation of refuges, to carry on law enforcement, and to conduct the surveys and research which are essential to the proper management of our migratory bird resources.

III

The Secretary of the Interior would have discretionary authority to open a maximum of 40 percent of any refuge to the hunting of migratory waterfowl. Presently, this authority is limited to 25 percent of the land acres acquired with duck stamp funds. Frequently, the checkerboard pattern which has resulted

from the use of several sources of funds in refuge land acquisition makes the opening of even 25 percent of the lands acquired with duck stamp funds impracticable. Each waterfowl area has individual characteristics which require greater latitude in management than is now permissible. Discretionary latitude in the opening of national waterfowl refuge lands to public hunting would make it possible to compensate for seasonal variations in the quality of feeding and resting grounds resulting from water conditions and many other factors beyond the control of management. A further consideration is the frequent need of allowing additional hunting to cope with problems of waterfowl depredation or to allow for an adequate harvest of species in abundance. It would also make it possible to take prompt corrective action in dealing with devastating eruptions of botulism or other waterfowl diseases.

IV

To further implement the management features referred to under III and to enhance opportunities for saving the remaining small marshes in the principal waterfowl production areas of the United States, the proposed substitute bill would give special recognition to the desirability of bringing these lands under Federal control, while at the same time permitting waterfowl hunting to continue unabated. The production grounds of the Dakotas, Minnesota, and Montana represent the principal waterfowl breeding grounds in the continental United States. A program of preservation through control by Federal acquisition of fee title or lease agreement is contemplated to insure the continued availability of these lands for breeding purposes. One of the chief objections on the part of the landowners under present law would be the inevitable curtailment of hunting. Obviously, it would not be feasible to open to hunting either 25 or 40 percent of each 2- to 10-acre marsh. Moreover, these areas freeze over early and offer only limited hunting opportunities. Since hunting activities would in no way interfere with the primary purpose for which these areas will be established, it is proposed that they be designated as management areas not subject to any statutory restriction with respect to hunting.

An effective date for the proposed increase in the price of the duck stamp would be fixed at July 1, 1959, to avoid unnecessary fiscal complications. Likewise, to permit an essential realignment of the fiscal program of the Bureau of Sport Fisheries and Wildlife, July 1, 1960, would be fixed as the date following which the net proceeds from duck stamp revenues would be devoted exclusively to land acquisition.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

ROSS LEFFLER,
Assistant Secretary of the Interior.

[S. 2617, 85th Cong., 2d sess.]

AMENDMENT (in the nature of a substitute) Intended to be proposed by Mr. MAGNUSON (by request) to the bill (S. 2617) to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended, viz: Strike out all after the enacting clause and insert the following:

That section 2 of the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended (48 Stat. 451; 16 U. S. C. 718b), is amended by striking out "\$2" and inserting in lieu thereof "\$3".

SEC. 2. Subsections (a) and (b) of section 4 of such Act (16 U. S. C. 718d) are amended to read as follows:

"(a) So much as may be necessary shall be used by the Secretary of the Interior to make advance allotments to the Post Office Department at such times and in such amounts as may be mutually agreed upon by the Secretary of the Interior and the Postmaster General for direct expenditure by the Post Office Department for engraving, printing, issuing, selling and accounting for migratory bird hunting stamps and moneys received from the sale thereof.

"(b) Except as authorized in subsection (c) of this section, the remainder shall be available for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act and for the administrative costs incurred in the acquisition

of such areas: *Provided*, That not to exceed 40 per centum at any one time of any area which heretofore has been or which hereafter may be acquired, reserved, or set apart for the use of the Department of the Interior as an inviolate sanctuary for migratory birds under any law, proclamation, or Executive order may be administered by the Secretary of the Interior in his discretion, as a wildlife management area within which the taking of migratory game birds may be permitted under such regulations as he may prescribe: *Provided further*, That, notwithstanding the fact that such lands constitute public property, the Secretary of the Interior shall comply with the requirements of section 4 of the Administrative Procedure Act (60 Stat. 238) in issuing regulations pursuant to the preceding proviso."

SEC. 3. Section 4 of such Act is further amended by adding at the end thereof a new subsection as follows:

"(c) The Secretary of the Interior is authorized to utilize funds made available under subsection (b) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection, to acquire, or defray the expense incident to the acquisition by gift, devise, lease, purchase, or exchange of, small wetland and pothole areas, interests therein, and rights-of-way to provide access thereto. Such small areas, to be designated as 'Waterfowl Production Areas', may be acquired without regard to the limitations and requirements of the Migratory Bird Conservation Act, but all of the provisions of such Act which govern the administration and protection of lands acquired thereunder, except the inviolate sanctuary provisions of such Act, shall be applicable to areas acquired pursuant to this subsection."

SEC. 4. The amendment made by the first section of this Act shall become effective on July 1, 1959. The amendment made by section 2 of this Act making available the net proceeds of all moneys received in the migratory bird conservation fund for the location, ascertainment, and acquisition of Waterfowl Production Areas and suitable areas for migratory bird refuges shall become effective on July 1, 1960. The remaining amendments made by this Act shall become effective on the date of the enactment of this Act. Any unobligated balance remaining in the migratory bird conservation fund on June 30, 1960, shall thereafter be available for expenditure only for the purposes specified in the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended by this Act.

Senator THURMOND. You think this \$1 will be sufficient to do what you want to do?

The CHAIRMAN. Yes. If we use it all 100 percent, less around \$144,000. They have to pay the Post Office Department to make the stamps and sell them. It will all go to land acquisition and all this amount of money they have been using for enforcement, maintenance, management, and so forth, they will come down with a clean bill to the Budget, this is what it costs us to run——

Senator THURMOND. You feel this ought to be done?

The CHAIRMAN. Yes.

Senator THURMOND. And you recommend it?

Secretary LEFFLER. Yes, sir. May I make one little statement?

Senator THURMOND. That is all I want to know.

Secretary LEFFLER. May I make one little statement in connection with this?

The CHAIRMAN. Yes.

Secretary LEFFLER. We have discussed this in connection with migratory birds. It is our feeling we acquire many of the marshlands along the Atlantic seaboard in order to protect our commercial fishing industries in there, because if we lose those marshes along the sea-

coast which is the habitat of oysters, shrimp, and menhadden, it will mean an economic loss to many or most States.

The CHAIRMAN. I think we ought to put in the record, and the staff can do this, a breakdown by States where the refuges are located.

Secretary LEFFLER. There is a map and a tabulation of that, too.

The CHAIRMAN. We will put the tabulation in the record, so everybody can look at it.

Secretary LEFFLER. And that gives not only the location, but the tabulation gives the area of each one of them.

(The information is as follows:)

[illegible]

See footnotes at end of table.

TABLE 1.—*Migratory bird refuge lands—Annual report of the migratory bird conservation commission, showing for the fiscal year 1957, by refuges and States, lands purchased and leased with duck stamp funds and through other sources, and showing at the close of the fiscal year the cumulative total cost and acreage of duck stamp lands together with cumulative totals of donations, other acquisitions, and total acreage of migratory bird refuge lands—Continued*

State and unit	Fiscal year duck stamp acquisition				Fiscal year, other acres	Status at end of fiscal year					Pending conveyance acres
	Purchased		Leased			Duck stamp		Donation acres	Other acres	Total acres	
	Cost	Acres	Cost	Acres		Cost	Acres				
Iowa:											
Mississippi River (CAE) 2									10,524	10,524	
Mississippi River (CAUE) 2									30,316	30,316	
Union Slough						\$57,061	984		1,093	2,077	
Upper Mississippi 2								1	20,381	20,382	
Total (1 (3) units)						57,061	984	1	62,314	63,299	
Kansas:											
Kirwin (CAR)									10,864	10,864	
Quivira	\$178,650	2,103				298,794	3,544			3,544	1,756
Total (2 units)	178,650	2,103				298,794	3,544		10,864	14,408	1,756
Kentucky:											
Kentucky Woodlands				25		27,961	1,441		64,107	65,548	236
Reelfoot	9,217	97				25,566	261			261	79
Total (2 units)	9,217	97		25		53,527	1,702		64,107	65,809	315
Louisiana:											
Breton									7,512	7,512	
Catahoula 5											5,199
Delta						50	2		48,832	48,834	
East Timbalier Island									31,337	31,337	
Lacassine									31,129	31,129	
Sabine			\$1	3,409		4,891	3,847		138,870	142,717	
Shell Keys									18	8	
Total (6 units)			1	3,409		4,941	3,849		226,688	230,537	5,199
Maine:											
Moosehorn	200	1				43,159	3,966	333	18,267	22,566	
Widow Island									12	12	
Total (2 units)	200	1				43,159	3,966	333	18,279	22,578	

[illegible]

See footnotes at end of table.

TABLE 1.—*Migratory bird refuge lands—Annual report of the migratory bird conservation commission, showing for the fiscal year 1957, by refuges and States, lands purchased and leased with duck stamp funds and through other sources, and showing at the close of the fiscal year the cumulative total cost and acreage of duck stamp lands together with cumulative totals of donations, other acquisitions, and total acreage of migratory bird refuge lands—Continued*

State and unit	Fiscal year duck stamp acquisition				Fiscal year, other acres	Status at end of fiscal year				Pending conveyance acres	
	Purchased		Leased			Duck stamp		Donation acres	Other acres		Total acres
	Cost	Acres	Cost	Acres		Cost	Acres				
Montana:											
Benton Lake								12,235		12,235	
Black Coulee								1,480		1,480	
Bowdoin								15,437		15,437	
Creedman Coulee								2,728		2,728	
Fort Peck								575,545		575,545	
Hailstone								2,240		2,240	
Halfbreed Lake								3,097		3,097	
Hewitt Lake								1,360		1,360	
Lake Mason								6,433		6,433	
Lake Thibadeau								3,508		3,508	
Lamester								8,800		8,800	
Medicine Lake							4	31,454		31,458	
Nine-Pipe								2,033		2,033	
Pablo								2,868		2,868	
Pishkun								8,195		8,195	
Red Rock Lakes								39,943		39,943	
Willow Creek								3,119		3,119	
Total (17 units)						8,082	4	712,475		712,479	
Nebraska:											
Crescent Lake						34,238		43,501		46,541	
North Platte								5,107		5,107	
Valentine						12,166		69,418		70,402	
Total (3 units)						46,404		118,026		122,050	
Nevada:											
Anaho Island								248		248	
Fallon								17,902		17,902	
Ruby Lake								35,618		35,618	
Stillwater								24,203		24,203	
Winnemucca								9,806		9,806	
Total (5 units)								87,777		87,777	

[illegible]

See footnotes at end of table.

Tewaukon.....	8, 490	200			106, 512	2, 028		3, 247	5, 275	161
Tomahawk.....								3, 440	440	
Upper Souris.....								31, 758	32, 084	
White Lake.....					3, 148	319	7	960	960	
Wildfang Lake.....								560	560	
Wild Rice Lake.....								779	779	
Willow Lake.....							1	2, 847	2, 848	
Wintering River.....								399	399	
Wood Lake.....								280	280	
Total (68 units).....	10, 378	357	217		167, 449	10, 309	3, 068	262, 850	276, 227	1, 513
Ohio: West Sister Island.....								82	82	
Oklahoma:										
Salt Plains.....					39, 834	629		31, 794	32, 423	
Tishomingo.....				3, 170				16, 619	16, 619	
Total (2 units).....				3, 170	39, 834	629		48, 413	49, 042	
Oregon:										
Cape Meares.....								139	139	
Cold Springs.....					2, 760	387		2, 730	3, 117	
Hart Mountain 4.....					3, 656	731			731	
Lower Klamath 2.....								1, 340	1, 340	
Malheur.....			427		1 609, 190	1 40, 881		1 129, 422	170, 303	
McKay Creek.....				24				1, 836	1, 836	36
Oregon Islands.....								21	21	
Three Arch Rocks.....								17	17	
Upper Klamath.....					123, 476	4, 387		8, 140	12, 527	
Total (8 (1) units).....			427	24	739, 082	46, 386		143, 645	190, 031	36
South Carolina:										
Cape Romain.....								1 27, 734	34, 716	
Carolina Sandhills.....				51			1 6, 982	1 44, 927	44, 927	
Santee (C&S).....	7, 850	201			10, 871	296		170, 658	70, 954	3, 034
Savannah 2.....					12, 000	5		7, 224	7, 229	
Total (3 (1) units).....	7, 850	201		51	22, 871	301	6, 982	150, 543	157, 826	3, 034
South Dakota:										
Bear Butte.....								436	436	
Belle Fourche.....								13, 680	13, 680	
Laereek.....					20, 000		80	9, 362	9, 442	
Lake Andes.....					1, 341	80		363	443	
Sand Lake.....								21, 451	21, 451	
Waubay.....					1, 650			4, 651	4, 651	
Total (6 units).....					22, 991	80	80	49, 943	50, 103	

See footnotes at end of table.

TABLE 1.—*Migratory bird refuge lands—Annual report of the migratory bird conservation commission, showing for the fiscal year 1957, by refuges and States, lands purchased and leased with duck stamp funds and through other sources, and showing at the close of the fiscal year the cumulative total cost and acreage of duck stamp lands together with cumulative totals of donations, other acquisitions, and total acreage of migratory bird refuge lands—Continued*

State and unit	Fiscal year duck stamp acquisition				Fiscal year, other acres	Status at end of fiscal year					Pending conveyance, acres
	Purchased		Leased			Duck stamp		Donation acres	Other acres	Total acres	
	Cost	Acres	Cost	Acres		Cost	Acres				
Tennessee:											
Lake Isom						\$27,010	323		1,522	1,850	
Reelfoot 2						4,500	1		9,271	9,272	
Tennessee									48,210	48,210	
Total (2 (1) units)						31,510	329		59,003	59,332	
Texas:											
Aransas											
Hagerman						1,611	439		46,772	47,261	
Laguna Atascosa					113				11,429	11,429	
Muleshoe	\$83,631	961				585,834	33,649		8,100	41,749	
Santa Ana						23,766	1,981		5,809	5,809	
Total (5 units)	83,631	961		113		611,211	36,119		72,110	108,229	
Utah:											
Bear River											
Locomotive Springs								4,272	60,627	64,899	
Strawberry Valley									1,031	1,031	
									14,070	14,070	
Total (3 units)	35,000	617				50,544	1,704	4,272	75,728	80,000	
Vermont: Missisquoi									1,688	3,392	11
Virginia:											
Back Bay											
Chincoteague 2						55,000	812		3,777	4,589	
Presquille						88,559	8,981			8,981	
								1,329		1,329	
Total (2 (1) unit)						143,559	9,793	1,329	3,777	14,899	

Washington:	47,800	807		3,373	146,026	10,347		9,604	19,951	1,404
Columbia.....								8	8	
Columbia River.....								933	933	
Concomully.....								5	5	
Copalis.....										
Dungeness.....								556	556	
Flattery Rocks.....								125	125	
Jones Island.....								179	179	
Lt. Pend Oreille ⁴								2,251	2,251	
Matia Island.....								145	145	
McNary.....								2,849	2,849	
Quillayute Needles.....								117	117	
Skagit.....								4,732	7,425	
Smith Island.....								65	65	
Turnbull.....		6		2,685	103,454	6,788		10,986	17,174	
Willapa.....					28,308	4,031		3,306	7,337	
Total (15 units).....	47,800	807	6	6,068	288,130	23,259		35,861	59,120	1,404
Wisconsin:										
Gravel Island.....								27	27	
Green Bay.....								2	2	
Horton.....								319	20,796	
Long Tail Point.....								103	103	
Mississippi River (CAUE) ²								40,521	40,521	
Needah.....								39,407	39,608	
Trempealeau.....								707	707	
Upper Mississippi ²								47,379	47,379	
Total (6 (2) units).....					3,000	201				
Wyoming:										
Bamforth.....										
Evanston.....								1,166	1,166	
Hutton Lake.....								360	360	
Pathfinder.....								1,969	1,969	
								46,342	46,342	
Total (4 units).....								49,837	49,837	
Grand total (42 States, 239 units).....	451,726	6,560	816	17,995	4,918,653	281,315	20,450	3,957,363	4,259,128	23,880

¹ Correction figure.² Included in count of State up the list.³ Lease.⁴ Only part of unit listed as migratory bird refuge area.⁵ This area not included in unit count because no land yet acquired.

NOTE.—Explanation of symbols:

(CAE) Corps of Engineers lands made available under the Coordination Act.

(CAUE) Corps of Engineers lands made available under the Coordination Act within reaches of Upper Mississippi River Wildlife and Fish Refuge.

(CAR) Bureau of Reclamation lands made available under the Coordination Act.

(CAS) South Carolina Public Service Authority lands made available under the Coordination Act.

The CHAIRMAN. I see in North Carolina you have Cape Romain, Carolina Sandhills, Santee, and some acres around Savannah.

Secretary LEFFLER. The Savannah refuge is a little bit in Georgia and most of it in South Carolina.

The CHAIRMAN. One other thing, in the proposal, you suggest you be allowed to open up for hunting 40 percent of the refuge areas.

Secretary LEFFLER. Where it can be done without any damage.

The CHAIRMAN. You will look at the general situation, the flyways, and the flights, and the condition of the migratory waterfowl and if you feel it is not going to deplete our normal flight, you open it for hunting and that would give you some flexibility.

Secretary LEFFLER. That is correct.

The CHAIRMAN. What about the pockets that you have around—small ones, just for the flyways.

Secretary LEFFLER. Where we have what I call propagation areas?

The CHAIRMAN. Yes.

Secretary LEFFLER. Those would not be closed to hunting after the birds had propagated.

The CHAIRMAN. Several of them supplement these big refuges?

Secretary LEFFLER. That is right. And a good many of those are in the North and the Middle West.

The CHAIRMAN. They are along the regular flyways.

Now I wanted to ask you this question: There is a House bill, a bill that passed the House—H. R. 10679, to amend the Migratory Bird Stamp Act—which sets out waterfowl producing areas, such as small areas, shall not be classified as national wildlife, and shall not be subject to the sanctuary provisions of the act. How would that affect this bill?

Secretary LEFFLER. I believe you will find, Senator, that has been incorporated in the present suggestion.

The CHAIRMAN. That is to create these pockets, as I call them, which supplement the whole refuge and migratory management program?

Secretary LEFFLER. That is correct.

Senator THURMOND. Do I understand all S. 2617 does is increase the price of the stamp from \$2 to \$3 and with that money you are going to provide proper facilities to better care for wildlife?

Secretary LEFFLER. That is right, Senator Thurmond. Because desirable refuge land is shrinking rapidly.

Senator THURMOND. Then the entire \$3 is to be used to purchase land and other facilities for wildlife.

Senator LAUSCHE. How long has the fee been at \$2?

Secretary LEFFLER. Since 1934.

Senator LAUSCHE. So that making it \$3, on the basis of the purchasing power of the dollar, it would be less now than it was in 1934?

Secretary LEFFLER. That is correct, sir.

The CHAIRMAN. We found, Senator Lausche, and Senator Thurmond, that all of the wildlife organizations, and all of the sportsmen's groups, people who buy the bulk of the duck stamps, were all pleased with this new proposal. They were supporting my original bill on 65 percent, because originally the intent of the duck stamp was to acquire land but it has turned out since 1934 we have collected \$54 million and only \$5 million has been for the acquisition of land, for wet

MIGRATORY BIRD CONSERVATION COMMISSION
NATIONAL MIGRATORY BIRD MANAGEMENT AREAS



COMPILED AT WASHINGTON, D C.
UNDER DIRECTION OF A J RISSMAN
COMMISSION SECRETARY

FEBRUARY 1956

SCALE OF MILES

THE NATIONAL MUSEUM
BUREAU OF GEOGRAPHIC NAMES
WASHINGTON, D. C.



lands, for the migratory bird management areas. And at the present rate, if we did not do that, it would take us almost 100 years to acquire the necessary 12 million acres that seems to be necessary.

Under my act it would still be 45 to 50 years, but under the 100 percent and the raise to 3, we could complete it—I think is the testimony—in 22 or 23 years.

Senator LAUSCHE. I think I am correct in the statement that we have accepted the 1934–39 dollars as being par. And that today the dollar is worth 48 cents.

So if you take \$3 and multiply it by 48, you would be getting \$1.44 in 1959, as compared to \$2 in 1934.

The CHAIRMAN. And in the meantime the value of these wet lands or marshes have gone up. Right now they are averaging about \$40 an acre.

Senator THURMOND. You used to buy them at 2 or 3 dollars an acre.

Secretary LEFFLER. That is right.

The CHAIRMAN. We want to complete this program. As a matter of fact, the Audubon Society testified if they were sure all this money was going for acquisition, which the bill makes mandatory, a great many of their members would buy the duck stamp with no intention of going hunting, but only to help preserve the waterfowl areas.

Senator LAUSCHE. Sportsmen are supporting it?

The CHAIRMAN. Yes. As a matter of fact, they came in en masse to support my bill at 65 percent and were just delighted with the fact the Department showed up and said let us not only endorse that but let us go further and make it 100 percent and get on with this program.

Secretary LEFFLER. May I make this comment: I think that this is one of the most important pieces of conservation legislation put before the Senate or the House in many a year.

The CHAIRMAN. And most of the duck hunters who buy the stamp are not going to complain about the extra dollars if they know it is going for this purpose. Then it makes better bookkeeping, too. I repeat this because for management and the other operations they have been using this duck stamp fund for they will come now to Congress with a clean request from the Department of Interior for appropriations, to say we need X number of dollars to manage the national migratory bird areas. It makes better bookkeeping all right.

Secretary LEFFLER. Yes, sir.

The CHAIRMAN. Are there any further questions?

(No response.)

The CHAIRMAN. The chairman will put in the record several letters which have been received since the first hearings from all kinds of organizations, directors of committees, the Izaak Walton League, and others.

(These letters follow testimony of March 20.)

Senator THURMOND. Just put in whatever you think ought to be put in.

I have a radio program at 5 minutes to 3 o'clock. Are you going to take up that other matter or not today?

The CHAIRMAN. I think we can finish this now. If there are no objections, I am going to have the clerk poll the committee on the

duck stamp bill and we will report that favorably if the poll reacts favorably, which I am sure it will.

(Whereupon, at 2:50 p. m., the committee proceeded to further business.)

(The following material was submitted for the record:)

STATEMENT BY CHARLES H. CALLISON, CONSERVATION DIRECTOR, NATIONAL WILDLIFE FEDERATION, WASHINGTON, D. C., ON S. 2617 AND OTHER PROPOSALS FOR AMENDING THE DUCK STAMP ACT, 85TH CONGRESS, 2D SESSION

The National Wildlife Federation is a nonprofit citizens' organization made up of affiliated State wildlife federations and sportsmen's leagues in the various States, Alaska, Hawaii, and the District of Columbia. The State and Territorial affiliates, through their own member clubs and local chapters, represent collectively a total of some 2 million members, making the federation the Nation's largest conservation organization.

Our organization has for several years advocated amending the Migratory Bird Hunting Stamp Act to earmark a definite and major portion of the duck-stamp receipts for acquisition of waterfowl refugees and management areas. Our reason for advocating such amendments is twofold:

First, the sportsmen and other conservationists of America feel the duck-stamp revenues have not been used as was intended by Congress and by the duck hunters who willingly supported this tax upon themselves. The hunters understood the primary purpose of the duck stamp was to supply funds to acquire lands for the Federal migratory-bird-refuge system.

Secondly, we feel the wetlands-acquisition program must be speeded up on a crash basis to assure the future of waterfowl resources. The remaining areas of waterfowl habitat are disappearing too rapidly—through drainage, pollution, siltation, filling in, and other factors.

Therefore, we commend and thank the distinguished chairman of this committee, Senator Magnuson, for introducing S. 2617 and thus bringing this problem to the attention of the Senate. We endorse the objectives and principles of S. 2617, but now we are in a position to go even further with our recommendations.

At the 1958 annual convention of the National Wildlife Federation, held February 28–March 1 and 2 at St. Louis, Mo., the delegates voted overwhelmingly for a resolution calling for an increase in the duck-stamp fee to \$3, provided at least 65 percent of the revenues were allocated by law for acquisition of waterfowl-habitat areas. A copy of that resolution is herewith submitted and, with the permission of the committee, we request it be printed in the record.

You will note in the "whereases" of this resolution we set forth the facts regarding national wetlands needs and the basis for our recommending a \$3 duck stamp.

This resolution was adopted in our convention by a vote of 36 yeas to 4 noes, with representatives from 9 States abstaining. A record of that vote, for the information of committee members and the Congress, follows:

Voting "yes": Alaska Sportsmen's Council, represented by A. W. "Bud" Boddy; Arizona Game Protective Association, William H. Beers; Arkansas Wildlife Federation, Raymond Farris; Colorado Wildlife Federation, Inc., Harry G. Sims; District of Columbia Wildlife Federation, George Crossette; Florida Wildlife Federation, Dr. H. R. Wilber; Georgia Sportsmen's Federation, Col. C. H. S. Russell; Illinois Federation of Sportsmen's Clubs, William E. Hewitt; All Iowa Conservation Council, Inc., Marshall E. Reichart; Kansas Association for Wildlife, Bob Bailey; the League of Kentucky Sportsmen, Arthur S. Curtis; Maine Fish and Game Association, Inc., M. Lenwood Royal; League of Maryland Sportsmen, Russell S. Orr; Michigan United Conservation Clubs, Volmar Miller; Minnesota Conservation Federation, Cliff Sakry; Mississippi Wildlife Federation, J. W. Howell; Conservation Federation of Missouri, Ed Stenger; Montana Wildlife Federation, Tom Deckert; Nevada Federated Sportsmen, Inc., proxy; Federated Sportsmen's Clubs of New Hampshire, Inc., Paul H. Knowlton; New Mexico Wildlife and Conservation Association, Elliott S. Barker; North Carolina Wildlife Federation, Inc., Turner W. Battle; North Dakota Wildlife Federation, Arthur Thoraldson; League of Ohio Sportsmen, Carl Knirk; Oklahoma Outdoor Council, E. E. Townsend; Oregon Wildlife Federation, Bruce L. Yeager; South Carolina Wildlife Federation, A. M. Quattlebaum;

South Dakota Wildlife Federation, Dr. James Schaeffer; Tennessee Conservation League, Mayland H. Muse; Sportsmen's Clubs of Texas, Inc., Cecil Reid; Utah Wildlife Federation, LeRoy H. Olander; Virginia Wildlife Federation, John C. Williams; Washington State Sportsmen's Council, Inc., W. S. Vickerman; West Virginia Sportsmen Unlimited, Hausel B. Poling; Wisconsin Federation of Conservation Clubs, Les Woerpel; and Wyoming Federation of Sportsmen's Clubs, Chiles P. Plummer.

Voting "no": Alabama Wildlife Federation, represented by Charles D. Kelley; California Wildlife Federation, George D. Difani; Delaware Federation of Sportsmen and Conservation Clubs, Inc., William Baxter, Jr.; and New Jersey State Federation of Sportsmen's Clubs, Walter C. Mooney, Sr.

Abstaining: Connecticut State League of Sportsmen's Clubs, Inc.; Idaho Wildlife Federation; Indiana State Conservation Advisory Committee; Louisiana Wildlife Federation, Inc.; Massachusetts Conservation Council; Nebraska Council of Sportsmen's Clubs; Pennsylvania Federation of Sportsmen's Clubs; Rhode Island Wildlife Federation; and Vermont Federation of Sportsmen's Clubs.

The State delegates who abstained from voting on the duck-stamp resolution explained they did so because their own State organizations had not had an opportunity to consider a proposed increase in the duck stamp and that, therefore, they felt they were uninstructed. (Copy of resolution attached.)

INTENT OF CONGRESS REGARDING DUCK-STAMP FUNDS

As an indication of the thinking in Congress at the time the original duck stamp was passed in 1934, we offer the following excerpt from Senate Report No. 145 of the 73d Congress, 1st session, on S. 1658, the Senate companion bill to H. R. 5632, which became the Migratory Bird Hunting Stamp Act (Public Law 174, 73d Cong.):

"It becomes increasingly necessary to restore the nesting areas throughout the country and provide sanctuaries for the waterfowl in their migrations north and south across the continent.

"Measured by the needs of other governmental activities at this time the amount is relatively small, yet of vast importance to the future of the entire conservation program with which dovetails the work now going on in reforestation and its allied activities.

"Lands were never cheaper than now. Posterity will applaud the importance of immediate purchase of several hundred thousand acres needed throughout America for this purpose and on which immediate employment will be necessary to complete the restoration."

Frankly, Mr. Chairman, we were astonished but nonetheless thrilled and encouraged to hear the proposal presented by Mr. Janzen on behalf of the Service and the Department of the Interior. As Mr. John Biggs expressed the reaction of the International Association of Game, Fish, and Conservation Commissioners, we never dreamed the Bureau of the Budget would be persuaded to approve such a realistic and forward-looking attack on the critical waterfowl conservation problem.

However, we are quick to admit that this new proposal offers a better deal for waterfowl and a more realistic and simpler program than the one advocated in our own recently adopted resolution. Therefore, we respectfully request this subcommittee and the full committee to amend S. 2617 to incorporate the provisions of the Fish and Wildlife Service proposal. Without hesitation I can pledge the wholehearted support and best efforts of the National Wildlife Federation and affiliated groups for the additional, direct appropriations that will be necessary to provide funds for the development, maintenance, and operation of the refuge system and for other parts of the waterfowl program that have for years been financed wholly or partly with duck stamp funds.

A \$3 duck stamp, all to be used for acquisition, will provide some \$6½ million annually for wetlands acquisition. Such a Federal program, supplemented by similar acquisition and management programs that can be carried out by the State game departments with State funds, will assure the perpetuation of continental waterfowl resources. It will assure for future generations the unique and irreplaceable sporting, recreational, and esthetic values of these resources.

We endorse the provision of S. 2617 that provides for leasing or acquisition of small wetland areas to be used for waterfowl nesting grounds but not subject to the inviolate sanctuary provisions of the existing law. We favor retaining

in essence the present provision that permits the Secretary of the Interior, under certain conditions, to open to public hunting purposes up to 25 percent of the area of any refuge although it perhaps should be made clear, either by specific language or by a declaration of intent in the committee report, that this discretion should not be exercised on some of the relatively small refuges. Dr. Ira N. Gabrielson, president of the Wildlife Management Institute, has suggested this provision be made to apply only to refuges of 5,000 acres or greater in size. This is perhaps a sound suggestion. Otherwise, we endorse specifically the language proposed in Mr. Janzen's statement, which would give the Secretary a little more leeway for scientific waterfowl management.

Attached are two reprints from the National Wildlife Federation's Conservation News that we should like to have printed in the record, with the permission of the committee. The first, from the August 1, 1957, issue of Conservation News, reports the results of a survey of sportsman sentiment on the question of increasing the duck stamp. This survey was carried out in Wisconsin by Representative Lester Johnson with the cooperation of the Wisconsin Federation of Conservation Clubs. It is striking evidence that sportsmen, as always, are willing to pay the bill for conservation measures provided the money is used as it is intended to be used.

The other reprint, from the issue of December 15, 1957, is entitled "Who Is Going to Pay for Saving Waterfowl?" It expresses the considered opinion of the staff of the National Wildlife Federation that the only way to save waterfowl is to increase the duck stamp and that the sportsmen of America, when they know the facts, will be quite willing to pay the necessary cost. Our opinion was borne out in the action of the Federation convention at St. Louis endorsing a \$3 duck stamp.

In conclusion, we wish to thank the committee for this opportunity of presenting our views and for its considered and constructive approach to this and other natural resource problems.

NATIONAL WILDLIFE FEDERATION, 22D ANNUAL MEETING, ST. LOUIS, MO.,
FEBRUARY 28 AND MARCH 1 AND 2, 1958

RESOLUTION NO. 10—EARMARKING AND INCREASING THE DUCK STAMP

Whereas the waterfowl resources of the North American Continent have been drastically reduced during the past century due to the destruction of natural habitat through drainage, pollution, siltation, agricultural development, and other factors; and

Whereas the destruction of natural wetlands continues today at an accelerated pace; and

Whereas the foremost waterfowl authorities of government and private agencies have agreed that the resource cannot be maintained at present levels, nor the future of the great sport of waterfowl hunting assured, except through the acquisition, preservation, and management of essential marsh areas by Federal and State wildlife agencies, and that a total of 12½ million acres of desirable wetlands may be considered the minimum goal of such acquisition; and

Whereas it has been proposed and generally agreed that the State share of this goal should be 5 million acres; and that the United States Fish and Wildlife Service (Bureau of Sport Fisheries and Wildlife) should acquire some 7½ million acres, of which about 3½ million acres already have been acquired and encompassed within existing national wildlife refuges, leaving 4 million acres yet to be acquired with Federal funds; and

Whereas, when the Duck Stamp Act was passed in 1934 and again when the act was amended in 1949 to increase the fee from \$1 to \$2, it was the belief and intent of sportsmen and other supporting conservationists that the primary purpose was to provide funds for the acquisition of waterfowl areas, and yet of some \$54 million in total revenues collected since 1934, less than 15 percent has been expended in land acquisition; and

Whereas even if all of the revenues from the present \$2 fee, totaling some \$4,500,000 per year, were allocated for acquisition, these funds would be insufficient to complete the Federal share of the necessary acquisition program before continued drainage and other factors make suitable wetland areas unavailable; and

Whereas the only extensive, high-producing waterfowl nesting area left in the United States—the prairie-pothole region of the Dakotas and Minnesota—is

being diminished at a rapid rate through agricultural drainage: Now, therefore, be it

Resolved, That the National Wildlife Federation urgently requests the Congress to recognize the critical nature of the waterfowl problem and to enact legislation without delay amending the Duck Stamp Act as follows:

(1) Increase the migratory bird hunting license fee from \$2 to \$3;

(2) Allocate not less than 65 percent of duck stamp revenues for land acquisition of waterfowl areas;

(3) Authorize the use of a portion of such funds for the establishment of waterfowl production areas or less than 500 contiguous acres, such areas not to be subject to the inviolate sanctuary provisions of the Duck Stamp Act; be it further

Resolved, That the National Wildlife Federation urges the Congress, in recognition of the general public interest in waterfowl conservation over and above the hunting use, and in accordance with Federal obligations under the migratory bird treaties with Canada and Mexico, to provide additional direct appropriations out of general revenues for waterfowl conservation purposes.

[Conservation News, August 1, 1957, issue, National Wildlife Federation]

WISCONSIN HUNTERS FAVOR DUCK STAMP BOOST IF EARMARKED

Would waterfowl hunters stand hitched for an increase in the present \$2 duck-stamp fee? Some conservation leaders and legislators have contended they would, pointing to the long and willing record made by American sportsmen in paying the costs of conservation programs. Others have asserted they would not, because of dissatisfaction with the way duck-stamp funds have been used in the past.

Of some \$52 million collected from duck and goose hunters since the Migratory Bird Hunting Stamp Act was passed in 1934, less than 15 percent has been spent for buying land. Acquisition of waterfowl refuges and management areas was generally and publicly understood to be the main purpose of the duck stamp as a source of revenue when the act was originally passed and again when it was amended in 1949 to increase the fee from \$1 to \$2.

One thing all agree to: More funds are needed urgently to buy duck marshes before the remaining wetlands disappear down the drainage ditches—and the ducks disappear with them.

Representative Lester Johnson of Wisconsin, who has worked harder than any other Member of Congress for an expanded program of wetlands acquisition, decided to find out how the duck hunters felt about a boost in the duck stamp—at least the hunters in his own district. He sent a questionnaire to members of sportsmen's clubs in his district, and through the cooperation of Les Woerpel, executive secretary of the Wisconsin Federation of Conservation Clubs, a similar poll was made of club leaders throughout the State. The questionnaire, or "ballot," was worded as follows:

LESTER JOHNSON,
House Office Building,
Washington, D. C.

----- Yes. I favor increasing the present \$2 duck-stamp fee to \$4 providing 50 percent is specifically earmarked for wetlands acquisition.

----- Yes. I favor increasing the present \$2 duck-stamp fee to \$3 providing 50 percent is specifically earmarked for wetlands acquisition.

----- No. I am against any increase in the present \$2 duck-stamp fee.

Other opinion, if any:

Signed-----
Name Address City

"There is no doubt that the solid majority of hunters would accept an increase in the duck stamp, with the earmarking of funds, in order to attack the wetlands purchase problem," Mr. Johnson reported after tabulating the results.

"In the Ninth District, for instance, 77 percent of the hunters who sent in ballots on my poll said they would accept a \$1 or \$2 increase in the fee for that specific purpose.

"14 percent would accept a \$4 stamp.

"63 percent would accept a \$3 stamp.

"21 percent wanted no change in the present \$2 stamp.

"2 percent voiced varying other views.

"Conservation leaders outside the district agreed substantially with this viewpoint with 74 percent favoring a raise of some kind, 30 percent for the \$4 stamp and 44 percent for a \$3 stamp. Considering the overall figures, 75 percent of the hunters replying said they would accept a raise of either \$1 or \$2 to achieve a definite wetlands acquisition program.

"In all fairness I should point out that many hunters who opposed any increase did so on the solid ground of past experience. Even though a specific provision for earmarking funds was written into the questions on raising the fee, a large number pointed bitterly to past experience and opposed any more increases."

The Wisconsin Congressman said he would continue to press for action on pending legislation that would earmark 65 percent of present duck-stamp revenues for locating and acquiring waterfowl areas; 20 percent for development, maintenance, and administration of refuges; and 15 percent for enforcement and overall administrative costs. Mr. Johnson is the author of H. R. 8471, a bill to accomplish this kind of reallocation. A similar bill, sponsored by Congressman Frank W. Boykin of Alabama (H. R. 8699), was approved by Mr. Boykin's Subcommittee on Fisheries and Wildlife but has been delayed in the full House Committee on Merchant Marine and Fisheries.

[Conservation News, December 15, 1957, issue, National Wildlife Federation]

WHO IS GOING TO PAY FOR SAVING WATERFOWL?

Probably the most critical, single problem facing wildlife managers today is the rapid and steady shrinkage of waterfowl habitat. Drainage is pulling the plug on wetlands all along the migration routes. From Texas to Florida and up the Atlantic coast, coastal and inland marshes are disappearing before the onslaught of drainage and filling for agricultural, industrial, and urban developments. Ditching for mosquito control, stream straightening, dredging and dumping of spoil for navigation projects, siltation and pollution—all are taking a deadly toll.

During the past 15 years farm drainage, much of it induced by Federal subsidies, has eliminated a million acres of high-quality nesting habitat in the prairie-marsh region of the Dakotas and Minnesota. Canadians, following the United States example, are stepping up drainage projects in the duck factory of the prairie provinces.

The best planners in the business are agreed waterfowl can be saved, and the future of duck and goose hunting assured, if 12½ million acres of good wetlands can be brought into public ownership and thereby saved from destruction. The national wetlands inventory of 1954-55 disclosed less than 23 million acres remaining in the United States than can be classified as good or moderate waterfowl habitat.

The plan is to have Uncle Sam acquire 4 million acres to add to the nearly 3½ million acres now in the Federal refuge system. The State game departments, it is hoped, will continue to build up their waterfowl areas to a total of 5 million acres which, added to Uncle Sam's 7½ million, would make the 12½ million total.

As in the past, some wetlands will be given or bequeathed to wildlife agencies by conservation-minded citizens; some will be transferred from other Government agencies. But such areas will be small. Most of it will have to be bought—and on a rising real estate market. Who is going to pay the bill? The answer seems obvious.

The duck hunters themselves are going to have to pick up the check. The editors of Conservation News have no doubt the sportsmen of America will rise to the occasion. They have paid the bill for wild game management since the first stirrings of the conservation movement in the last century.

Money for State acquisition will have to come largely from hunting licenses and Federal aid (Pittman-Robertson), the latter in turn supplied through excise taxes paid by sportsmen on guns and ammunition.

What about the additional marshes needed to complete the Federal system of waterfowl refuges? If the 4 million acres can be acquired for an average of \$40 per acre, the total will cost \$160 million.

The present \$2 duck stamp, now purchased annually by some 2¼ million hunters (and some philatelists), brings in about \$4½ million per year. If all this were spent for acquisition, it would take nearly 40 years to complete the program. Long before that, if present drainage trends continue, there would be no more wetlands left to acquire.

Sportsmen are unhappy—understandably so—about the fact that of the \$54 million collected in duck-stamp fees since the Migratory Bird Hunting License Act was passed in 1934, less than 15 percent has gone for acquisition of waterfowl areas. The Budget Bureau and economy-minded Congressmen who failed to understand the conservation purpose have forced the Fish and Wildlife Service, year after year, to spend most of the money for development and maintenance, surveys, enforcement, and other parts of the waterfowl program.

But now there are increasing signs that the hunters are facing up to the task. They are beginning to realize that if they are going to have decent shooting 10 years from now, or if their sons are going to know the thrill of watching a flight swing into the decoys, the duck-stamp fee has to be increased. Ponder that \$2 fee next time you outlay \$3.25 for a box of shells.

But as a first or concurrent step, the law has to be changed to earmark the receipts and make certain the money will be used as intended—primarily for the acquisition of vital wetlands.

Here are some of the signs:

Last summer Congressman Lester Johnson polled the membership of sportsmen's clubs in Wisconsin. He found that 3 out of 4 would accept an increase in the duck stamp—provided at least half the revenue was earmarked for acquisition.

At their 1957 annual meeting members of the International Association of Game, Fish, and Conservation Commissioners—representing the State wildlife agencies—adopted a resolution calling for a \$3 duck stamp and 50 percent earmarking. This is significant because many State game directors have looked upon the Federal fee as competition with their own fund-raising systems.

In recent months the Georgia Sportsmen's Federation, the Utah Wildlife Federation and other State and local sportsmen's groups have resolved in favor of a boost in the duck stamp—with earmarking. The National Wildlife Federation will consider such a resolution at its national convention in St. Louis February 28–March 1 and 2.

The Fish and Wildlife Advisory Committee to the Department of Interior has urged the Department to support a bill increasing the fee to \$3 and earmarking half the receipts for acquisition.

Even a \$3 duck stamp wouldn't yield enough money to get the total job done, but it would provide a good start. Then perhaps Congress can be persuaded to appropriate other funds for waterfowl conservation. Quite apart from the tax on hunters, the Federal Government has an obligation to protect and conserve migratory birds under solemn international treaties with Canada and Mexico.

STATEMENT OF DR. SPENCER M. SMITH, JR., SECRETARY OF THE CITIZENS COMMITTEE
ON NATURAL RESOURCES, IN BEHALF OF S. 2617

Many proposals and counterproposals have been made to achieve what the hunters and sports enthusiasts thought was being achieved some time ago when the duck-stamp program was initiated. It was thought at that time that the money was going to support needed habitat for ducks and other waterfowl.

The present legislation earmarks 65 percent of the present \$2 waterfowl hunting license fee for acquisition of waterfowl areas. Since the introduction of this legislation, a counterproposal to raise the duck-stamp fee to \$3 and allocate 100 percent for wetlands has been offered. Certainly this suggested amendment receives the support of the Citizens Committee on Natural Resources. The committee supports such an earmarked device even though it is generally concurred that such earmarking of funds is contrary to the best fiscal procedures. But the hope of obtaining sufficient funds by direct appropriations has not been

satisfactory and the acquisition of sufficient waterfowl areas has become increasingly difficult until now it is mandatory that some direct and specific action be undertaken. The original allocation bill was insufficient to meet the need involved. The present attempts seem to give every indication that they are more commensurate with the problems to be solved.

The goal agreed upon for the perpetuation of waterfowl resources has been a Federal refuge system of some 7½ million acres. Since these refuges at the present constitute about 3½ million acres, about 4 million acres would be required to meet the stipulated goal. Even if the proposal of the \$3 duck stamp with 100 percent earmarked for the acquisition of waterfowl areas were carried out, it would take somewhere between 20 and 30 years to acquire the needed 4 million acres. As the Director of the Bureau of Sport Fisheries and Wildlife, Mr. Daniel H. Janzen, has indicated, this new approach providing greater funds would accelerate the rate of acquisition but would more importantly permit dealing with the most egregious problems now.

From our understanding of many sportsmen's groups, we feel that they would gladly pay the extra dollar assessment, but that they are most anxious that some change in the present law be effected to guarantee that these funds would be spent to provide waterfowl and/or wet-land areas. It is also assumed that they would oppose such increase unless positive assurances can be granted concerning the use of the money for the purpose it is intended.

THE IZAAK WALTON LEAGUE OF AMERICA, INC.,
Washington, D. C., March 6, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Subcommittee on Merchant Marine and Fisheries,
Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: The Izaak Walton League of America is a national membership organization dedicated to the conservation and wise use of America's soil, woods, waters, and wildlife. It has a deep interest in legislation now before your subcommittee, and appreciates the opportunity to offer brief comments concerning S. 2617.

This bill would amend the Duck Stamp Act of 1934, as amended. The Izaak Walton League supported the 1934 act and the later amendment which increased the cost of the stamp from \$1 to \$2. We supported the act, and sportsmen have willingly purchased the stamp, because we believed the revenues would be utilized predominantly to acquire waterfowl refuge areas. In this we have been disappointed.

The record shows that since 1934 revenues have totaled approximately \$50 million. Of these funds, however, but \$7½ million have been used for acquisition of waterfowl areas—some 265,000 acres.

It has been a generally accepted fact that the Nation needs about 12½ million acres of good waterfowl habitat in refuge or management area, if we hope to preserve a reasonable waterfowl population permanently. Of this acreage, it has been felt that the Federal Government should acquire about 7½ million acres with the States acquiring the balance. Federal holdings are not even half-way toward the objective and at the present rate of acquisition, it would take centuries to complete the program. Meanwhile, acquisition costs will constantly rise.

Slow progress in the acquisition program results in part from the fact that only a small portion of duck-stamp revenues, about 13 percent, have been used for that original major purpose. S. 2617 would specify that 65 percent of these revenues be used for acquisition—as compared with the current budget figure of 30 percent.

There has been considerable discussion the past year or 2 about another increase in the cost of the duck stamp. We find that most duck hunters would be fairly amenable to this, if they had firm assurance that the major portion of total revenues would be used in a greatly stepped-up waterfowl area acquisition program. They do not now have that assurance. S. 2617 would constitute a constructive and positive forward step and the Izaak Walton League firmly supports its purposes and objectives.

Respectfully,

J. W. PENFOLD,
Conservation Director.

STATEMENT OF C. R. GUTERMUTH, WILDLIFE MANAGEMENT INSTITUTE,
WASHINGTON, D. C.

Mr. Chairman, I am C. R. Gutermuth, vice president of the Wildlife Management Institute, a national membership organization that has been working for improved management of natural resources in the public interest since 1911.

A lot of criticism has been voiced in recent years on the use of duck-stamp funds and the waterfowl refuge acquisition program of the United States Fish and Wildlife Service. Public dissatisfaction has been registered in a number of congressional hearings, and in national and regional meetings of sportsmen and wildlife administrators in all parts of the country. Resolutions have been adopted by numerous organizations supporting the dedication of a larger part of the duck-stamp funds for an accelerated waterfowl refuge purchase program, and it is hoped that this Congress will remedy the situation.

Back in 1954 the Subcommittee on Public Lands of the House Interior and Insular Affairs Committee conducted an inquiry into the use of funds obtained under the Migratory Bird Hunting Stamp Act. The purpose of the hearing, as elaborated by the committee counsel, was to ascertain "the propriety of the administration of duck-stamp funds."

The matter has been revived each year since 1954 by one or more committees of Congress, and the bulk of the duck-stamp revenue still is going for routine operations rather than land acquisition and development. In 1955 both this committee and the House Committee on Merchant Marine and Fisheries considered measures relating to the use of duck-stamp funds and the acquisition of waterfowl refuge lands. The House committee went into the matter again in 1956 and 1957 to no avail. Action on a corrective measure in the House committee during the last session was delayed due to a misunderstanding on the part of some of the members. This centered not on the use of the duck-stamp money but on a provision that would have enabled the Fish and Wildlife Service to undertake the purchase and leasing of small areas to forestall the drainage of wet lands used by nesting waterfowl in the North Central States.

All of the hearings have substantiated the charge that too much of the duck-stamp money has gone not for its intended purpose but for operating expenses. The Service is not meeting its land-acquisition goal. Comparatively little progress is being made in closing the gaps in the national waterfowl refuge system.

Following a 1934 study, the Service determined that 12.5 million acres of suitable refuge and game management lands would be needed to meet the needs of the migratory birds. That goal, which is not half realized, still is accepted today as the minimum area needed for feeding, nesting, resting, and wintering grounds for ducks and geese along their principal flyways. Acquisition of that acreage was to be undertaken jointly by the States and the Federal Government, with the States obtaining 5 million acres.

At the average annual rate of acquisition since that time, it would take approximately 300 years for the Service to achieve its share of the overall waterfowl refuge goal. Only about 3.5 million acres of waterfowl lands presently are under the control of the Service; another 4 million acres are needed.

House Report No. 1941, 84th Congress, 2d session, states, "There is serious need in the United States as a whole for additional refuge lands. This is particularly true with regard to lands for waterfowl management. Studies show that in 1934 there were approximately 120 million acres of marsh and wet lands in the country. Today less than 30 million acres of good quality habitat for waterfowl remains."

The latest available figures show that of the \$49,431,098 paid in by the sportsmen for duck stamps through June 30, 1957, only \$7,449,908 were spent for acquiring about 265,000 acres of the 3.5 million acres in existing Federal waterfowl refuges. In other words, only 13 percent of all the millions that the waterfowl shooters thought they were putting into refuge expansion actually was used for land acquisition. This expenditure includes the purchase price of the land, cost of surveys, title examinations, and other such expenses of the division handling the acquisition work.

The record shows, Mr. Chairman, that the Nation's sportsmen supported the Duck Stamp Act of 1934 and the subsequent amendment that raised the price of the stamp fee from \$1 to \$2 because they believed the money would be used to enlarge the waterfowl refuge system. They believed that the funds would augment the program, and it certainly was not their intention to pick up the check for a sizable part of the cost of the obligations of the United States under the terms of the migratory bird treaties with Canada and Mexico.

Testimony heard by this committee and by the House committees in recent years has emphasized the concern of conservationists. There is an urgent need for enactment by the Congress of a directive like S. 2617 which specifies the minimum percentage of duck-stamp funds that must be used for land acquisition. It would constitute a guideline for the Congress as well as the executive branch of the Government. Until there is such a directive, the Fish and Wildlife Service undoubtedly will be forced to continue dipping into the duck-stamp funds to finance a major part of its operating expenses. It is known that Service officials have not made a strong enough effort upon occasions to dissuade the budget officers from using the duck-stamp fund as a handy purse for paying operating expenses, and the requested directive would prevent that.

The Service's budget for next year exemplifies the fallacy of permitting this situation to continue. Although only about \$4.5 million is expected from the sale of duck stamps, \$5,048,000 of the receipts are scheduled to be used as follows:

Operations and maintenance of refuges-----	\$1, 754, 000
Management and enforcement-----	711, 000
Wildlife research-----	283, 000
River basins-----	185, 000
Waterfowl management investigations-----	241, 000
Land acquisition-----	1, 600, 000
General administrative expenses-----	274, 000

The budgeted duck-stamp money exceeds the expected receipts by about \$600,000. This means that the excess must come from the small balance in the duck-stamp reserve.

The institute supports the objectives of S. 2617, Mr. Chairman. Drainage, road construction, industrial expansion, and urbanization continue to take an annual toll of the remnant of good waterfowl marshes that are left. Land never will be less costly than it is today. We must speed up the land-acquisition program if the Federal Government is going to meet its commitments to obtain 7.5 million acres of waterfowl marshes.

Approximately 70,000 acres of land could be obtained annually under the terms of S. 2617, based on the present expected revenue from the sale of duck stamps. This would constitute a modest, but positive, beginning. Enactment of this protective legislation would restore the confidence of the sportsmen.

Duck-stamp purchasers have been reluctant to support an increase in the fee because so much of the money has been used in lieu of regular appropriations in the past. Once Congress makes clear its intent that a major part of the duck-stamp money should go for land acquisition and development, and that regular appropriations will be made for other important activities, the Nation's sportsmen will be asking for another increase in the stamp fee so that the refuge program can be accelerated still further.

TACOMA SPORTSMEN'S CLUB, INC.,
Tacoma, Wash., February 14, 1958.

HON. WARREN G. MAGNUSON,
Chairman, Senate Committee on Interstate and Foreign Commerce,
Washington, D. C.

DEAR SENATOR MAGNUSON: Regarding duck stamp funds for purchasing wetlands, our organization has been informed that legislation is again being considered relative to increasing the stamp cost by \$1 and earmarking 65 percent of this dollar for land acquisition.

Yet, the Migratory Bird Hunting Stamp Acts of 1934 and 1949 carried provisions for land acquisition but due to the continued utter disregard by the Bureau of the Budget, and the migratory Bird Conservation Commission to the intent of the acts, our moneys are being illegally misused and wetlands have not been acquired as agreed.

The latest figures available at this writing show that about 10 percent of the total promised, when we voluntarily doubled our cost in 1949, has been used for wetlands acquisition. This is due to "raids" for management, research, and administrative expenses that should have been paid through congressional appropriations.

Our organization feels so strongly on this subject that we are asking for your help in behalf of the over 2,300,000 purchasers of duck stamps who are presuming that they are spending their money to help save land for the perpetuation of migratory waterfowl.

Further, that you petition Congress to appropriate moneys for research, management, and administration as was originally understood by all concerned.

There is no doubt in our minds that the waterfowler would support legislation increasing the cost by \$1 if the previous percentages were adhered to; if 65 percent of the proposed increase were irrevocably earmarked for acquisition; and further, that sufficient funds be appropriated by Congress to fully support the research, management and administrative expenses of the Fish and Wildlife Service.

We are depending upon you to help us correct this breach of faith with the waterfowlers of our Nation.

Thanking you for your efforts, we remain

Yours very sincerely,

E. M. NIST, *Chairman.*
Migratory Waterfowl Committee.
 WAYNE WOOD, *President.*

STATE OF VERMONT, FISH AND GAME SERVICE,
 Montpelier, March 12, 1958.

HON. WARREN G. MAGNUSON,
Chairman, Senate Committee on Interstate-Foreign Commerce,
Washington, D. C.

DEAR SENATOR MAGNUSON: This letter is written to support the proposal to increase the price of the duck stamp to \$3 and to use all receipts, less the cost of printing, for land acquisition. Such action is badly needed and long overdue.

This department has a very significant amount of land developed as waterfowl management areas. It is done as a supplement to the efforts of the Bureau of Sport Fisheries and Wildlife and as an important part of the program of the Atlantic Flyway Council. Despite all efforts to date, we are not gaining ground and waterfowl populations suffer.

You may be assured, Senator, we strongly support the proposal and would appreciate early and favorable action.

Sincerely,

GEORGE W. DAVIS, *Director.*

ELLENSBURG, WASH., March 19, 1958.

Senator WARREN G. MAGNUSON,
Senate Office Building, Washington, D. C.:

Urge support of \$3 duck stamp 100 percent earmarked for acquisition as proposed by Fish and Wildlife Service. Best regards.

W. S. VICKERMAN,
President, Washington State Sportsmen's Council.

FLORIDA GAME AND FRESH WATER FISH COMMISSION,
 Tallahassee, March 17, 1958.

HON. WARREN G. MAGNUSON,
Chairman, Senate Committee on Interstate and Foreign Commerce,
Washington, D. C.

DEAR SENATOR MAGNUSON: It has been called to our attention that the Fish and Wildlife Service and the Bureau of Budget have both endorsed a bill which would increase the price of duck stamps to \$3 and earmark 100 percent of the funds for land acquisition excluding the Post Office Department cost.

I would like to take this opportunity to advise you that the Florida Game and Fresh Water Fish Commission, and I am certain the sportsmen of Florida, heartily endorse this legislation. The entire Florida delegation has been advised of our interests in this matter.

You can be sure that the sportsment of the United States will be eternally grateful to you for your efforts on behalf of waterfowl conservation if you are successful in having this legislation passed.

Sincerely yours,

A. D. ALDRICH, *Director.*

NORTH DAKOTA GAME AND FISH DEPARTMENT,
Bismarck, N. Dak., March 14, 1958.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
Washington, D. C.

DEAR SENATOR MAGNUSON: From information on hand, it appears that you are willing to ask for a \$3 duck stamp with 100 percent allocated to acquisition of wetland areas and substitute this for your bill S. 2617. I believe this has the blessing of the Bureau.

I am sure you will get a lot of backing from the sportsmen of the Nation for this type of bill. I have written to all of North Dakota's congressional members; asking them to support the new legislation on the \$3 duck stamp. If you can get this legislation through, conservationists all over the United States are going to be greatly indebted to you.

With best regards,

STATE GAME AND FISH DEPARTMENT,
I. G. BUE, Commissioner.

RIVERTON, WYO., March 21, 1958.

Senator WARREN MAGNUSON,
Chairman, Senate Committee on Interstate and Foreign Commerce,
Senate Office Building, Washington, D. C.

DEAR SENATOR MAGNUSON: As a person highly interested in the fate of our decreasing waterfowl habitat in the United States, I cannot but admire the recent proposal made to your committee by the Director of the Bureau of Sport Fisheries and Wildlife to the effect that the duck stamp fee be increased to \$3 per year with all proceeds, other than post office administrative charges, earmarked for acquisition of wetlands. This is a courageous move by the Bureau and emphasizes their wholehearted interest in the objective of assuring the preservation of adequate waterfowl habitat to perpetuate waterfowling for your sons and mine.

I believe this proposal should be incorporated into law with the understanding that the Bureau of the Budget will request and the Congress make every effort to provide separate funds to support the important waterfowl law enforcement and refuge maintenance activities which are presently being carried by duck stamp moneys.

It seems inconceivable that the present purchasers of duck stamps will object to this nominal increase in the annual stamp fee when they realize that all the moneys collected from it will be plowed back into assuring habitat for the very resource which they are utilizing. You will have widespread support from sportsmen and conservationists for this new and aggressive proposal.

Respectfully yours,

ELWOOD G. BIZEAU.

STATE OF NEW YORK
CONSERVATION DEPARTMENT,
Albany, March 18, 1958.

HON. WARREN G. MAGNUSON,
United States Senate,
Washington, D. C.

DEAR SENATOR MAGNUSON: The members of the Rockville Chapter, Izaak Bureau has given favorable response to the proposal for raising the duck stamp fee to \$3, and earmarking 100 percent of revenues therefrom for wetlands acquisition, by the Bureau of Sport Fisheries and Wildlife.

This would be a mighty stride forward for the seriously lagging program of acquisition of vitally needed waterfowl areas to assure their protection and maintenance. I, therefore, respectfully urge you to support early and favorable action on such legislation as a substitute for S. 2617 which you have sponsored in the Senate Committee on Interstate and Foreign Commerce.

Sincerely yours,

SHARON J. MAUHS,
Commissioner of Conservation.

IZAACK WALTON LEAGUE OF AMERICA, INC.,
 ROCKVILLE CHAPTER,
 Rockville, Md., March 22, 1958.

HON. WARREN G. MAGNUSON,
 Chairman, Committee on Interstate and Foreign Commerce,
 United States Senate, Washington, D. C.

DEAR SENATOR MAGNUSON: The members of the Rockville Chapter, Izaak Walton League of America, wish to inform you of their support for your proposal to amend S. 2617 as originally introduced. We endorse an increase in the stamp fee to \$3 providing that all the receipts, except those needed for printing and distributing the stamps, are used for waterfowl refuge acquisition.

We are gratified by your interest in seeking amendments that will correct present abuses of the duck stamp fund, and we urge prompt and favorable action on this new proposal.

Sincerely,

WM. E. DOYLE,
 Corresponding Secretary.

STATE OF MARYLAND GAME AND INLAND FISH COMMISSION,
 Baltimore, March 11, 1958.

Senator WARREN G. MAGNUSON,
 Chairman, Senate Committee on Interstate and Foreign Commerce,
 Washington, D. C.

DEAR SENATOR MAGNUSON: The Maryland Game and Inland Fish Commission urges early and favorable action on legislation providing for a \$3 duck stamp, the revenue from which would be earmarked for acquisition of waterfowl areas. It is the opinion of wildlife managers and waterfowl hunters throughout the State of Maryland that several thousands of acres of high-value waterfowl habitat must be set aside for the management of this important resource before it is destroyed through the expansion of less important programs.

Appreciating your past cooperation and with kindest regards, I am

Sincerely yours,

ERNEST A. VAUGHN, Director.

STATE OF COLORADO DEPARTMENT OF GAME AND FISH,
 Denver, Colo., March 13, 1958.

HON. WARREN G. MAGNUSON,
 Chairman, Committee on Interstate and Foreign Commerce,
 United States Senate, Washington, D. C.

DEAR SENATOR MAGNUSON: We are very happy to learn that the Budget Bureau has now agreed to approve a \$3 duck stamp, and perhaps even more important, to earmark these moneys for waterfowl land acquisition after deducting the Post Office Department cost for printing and distribution.

We in Colorado certainly feel this is a realistic approach toward providing the necessary environment to maintain our great waterfowl resource. We also feel this is a satisfactory culmination of our long campaign to provide the necessary habitat to protect the Nation's waterfowl populations.

We are hopeful that you will provide the necessary amendments or a substitute for S. 2617, which you so graciously sponsored, to concur with these recommendations. If this can be accomplished, it will be one of the greatest pieces of conservation legislation that has been passed in recent years.

Very truly yours,

THOMAS L. KIMBALL, Director.

SOUTH DAKOTA DEPARTMENT OF GAME, FISH, AND PARKS,
 Pierre, March 25, 1958.

HON. WARREN G. MAGNUSON,
 Chairman, Committee on Interstate and Foreign Commerce,
 Senate Office Building, Washington, D. C.

DEAR SENATOR MAGNUSON: I have had brought to my attention the proposal by the Department of the Interior to amend the Migratory Bird Act of 1934, as amended, which was presented to your committee by D. H. Janzen, director of the bureau of sport fisheries and wildlife. As I understand it, Mr. Janzen

appeared in connection with Senate bill 2617 and that the proposals made, in substance, provide that the duck stamp be increased to \$3 and that all of the increased funds derived will be dedicated to the purchase of waterfowl habitat.

At this time I would like to place this Department on record as being opposed to S. 2617 and enthusiastically in support of the amendment brought to you by the Department of the Interior. I trust that you and your committee will act favorably on this matter during this session of the Congress.

Unless more funds are made available for the purchase of wetlands the sport of waterfowling will soon be a thing of the past.

Very truly yours,

THOMAS A. SCHRADER, *Director.*

THE IZAAK WALTON LEAGUE OF AMERICA, INC.,
Washington, D. C., March 13, 1958.

Hon. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: The statement of the Izaak Walton League presented recently to your Subcommittee on Merchant Marine and Fisheries in connection with S. 2617 contained the following comment:

"There has been considerable discussion the past year or two about another increase in the cost of the duck stamp. We find that most duck hunters would be fairly amenable to this, if they had firm assurance that the major portion of total revenues would be used in a greatly stepped-up waterfowl area acquisition program."

We have now had opportunity to study the specific language of proposed amendments to the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended, proposed by the Department of the Interior.

The proposal contains provision for an increase in the cost of the duck stamp from \$2 to \$3 and for earmarking virtually all revenues for the acquisition of waterfowl areas. We understand that the Bureau of the Budget in clearing the proposal gave assurance that funds would be requested to provide for other activities now carried on from duck-stamp funds.

It seems crystal clear to us that pressures on land for all types of purpose will continue to increase as populations and the economy expand. Hence, cost of land acquisition will continue to rise inexorably. The time to get started on an acquisition program adequate to protect and perpetuate our waterfowl is now.

We respectfully urge your support of this program.

Sincerely,

J. W. PENFOLD,
Conservation Director.

CARBON COUNTY CONSERVATION CLUB,
Rawlins, Wyo., March 12, 1958.

Hon. Senator WARREN G. MAGNUSON,
*Chairman, Senate Subcommittee on Merchant Marine and Fisheries,
Washington, D. C.*

DEAR SENATOR MAGNUSON: Your S. 2617 is favored by the Carbon County Conservation Club. Even though we are in a part of the West, where we get very little chance to hunt ducks, we still feel the bill is worthy of the attention and support of all sportsmen and conservation clubs.

Yours very truly,

H. L. TREJO, *President.*

NATIONAL LUMBER MANUFACTURERS ASSOCIATION,
Washington, D. C., March 27, 1958.

Hon. WARREN MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: Hearings were held by your committee on March 6 and 7 on S. 2477, relating to pesticides, and on S. 2617, relating to the Migratory Bird Hunting Stamp Act. Our letter of March 6 to you indicated our desire to

file written statements on these bills. The statement that follows concerns only S. 2617. We expect to complete our study on S. 2477 within a few days, and as soon as possible thereafter, will submit a statement on this measure also.

S. 2617 would amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended. Among other things, it would provide that not less than 65 percent of the funds derived under the provisions of the Migratory Bird Hunting Stamp Act would be available for the acquisition of suitable areas for migratory bird sanctuaries or waterfowl reservations. We are concerned with this legislation to the extent that it will involve increased acquisition by the Federal Government of private commercial timberlands.

The acquisition by the Government of productive forest land owned by members of the lumber industry has become a major problem. At increasingly frequent intervals we are advised of losses to the Government for water storage reservoirs, rights of way, channel improvements, air bases, military reservations, national forests and purchase units, national parks, wildlife reservations, bird sanctuaries, reclamation projects, administrative sites and the like. The situation has become so alarming that we can no longer fail to treat this problem with other than serious concern.

We believe that to retain the maximum possible proportion of forest land in private, taxpaying ownership is a sound national land policy. Furthermore, the continuing Federal acquisition of forest lands is a serious threat to the economy and stability of the States, local communities and dependent industries. We believe, too, that in all Federal projects in which private forest lands are to be acquired by the Federal Government, the Government should, at the option of the private owner, provide for their replacement in kind through the exchange of similar and suitable federally owned forest lands of equivalent productive capacity, to the end that the economy of dependent industries and communities will not be jeopardized.

In view of the foregoing, we respectfully urge that S. 2617 be amended so as to take into consideration the problem we have outlined. We propose that language similar to the following be incorporated in the legislation being considered by your committee at the end of section I.

"And provided further, That no moneys shall be available for the acquisition of privately owned commercial timberland unless there has been a clear determination that ownership of such land by the United States will serve the public interest more fully than continued private ownership, and that with regard to any project where this determination is in dispute between private owners and the United States, a public hearing shall be held in the vicinity of the land to be acquired. The private owner whose land is to be acquired shall, at his option be paid for his land either (1) in money, or (2) in an equivalent value of land owned by the United States wherever such land is found by the agency administering such land to be surplus to its needs."

We should also emphasize the fact that S. 2617 would extend and enlarge fund earmarking features of existing law, thus further bypassing sound budgetary and appropriation principles. We believe, therefore, that your committee should carefully review the legislation from this standpoint.

It will be appreciated if this letter is made a part of the record of the hearing on S. 2617.

Copies of this letter are being sent to the members of your committee for their information.

Sincerely,

A. Z. NELSON, *Director,*
Forestry, Economics, and Statistics Division.

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D. C., March 12, 1958.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
Senate Office Building, Washington, D. C.

DEAR SENATOR MAGNUSON: While testifying at the recent Senate hearing on S. 2617, a bill to amend the Migratory Bird Hunting Stamp Act, Daniel H. Janzen, Director of the Bureau of Sport Fisheries and Wildlife, presented a proposal of the Department of the Interior that the stamp fee be increased to \$3 and that virtually all of the receipts be earmarked for land acquisition.

Conservationists understand that, in approving this plan, the Bureau of the Budget agreed that money would be requested to provide for activities now carried on wholly or in part from the duck stamp fund. With that assurance, my organization and, I am sure, a majority of the national conservation organizations will go along with the proposal. Although it may handicap the work of the Fish and Wildlife Service in some ways, we are glad to support the plan because we are anxious to see the urgently needed land acquisition program go ahead on a prompt and realistic level.

The idea was presented at a luncheon for the State conservation directors at the North American Wildlife Conference in St. Louis, and many favorable comments were heard. There was no adverse reaction, but not all of the directors expressed themselves. Enthusiastic applause greeted the announcement, and it led me to believe that a majority of the directors would support it. The plan subsequently was endorsed at the Senate hearing by the International Association of Game, Fish, and Conservation Commissioners.

The institute also approved the effort to preserve small wetland areas in the prairie pothole region of the Middle West that are of value to breeding waterfowl. Although the opening of up to 40 percent of any refuge for public hunting was suggested, the Fish and Wildlife Service indicated that authority to open 25 percent would be satisfactory. I personally favor the lesser amount, providing that no refuge aggregating less than 5,000 acres be opened.

I urge the committee to give this proposal early and favorable consideration. It represents the first real break that the Nation's sportsmen have had toward getting some money for the desperately needed refuge acquisition program. It is my feeling, along with the others, that time is running out, and if we do not get the land within the next few years, it may never be possible to get enough to adequately safeguard the flights of migratory waterfowl.

Sincerely,

IRA N. GABRIELSON, *President.*

MISSOURI CONSERVATION COMMISSION,
Jefferson City, Mo., March 14, 1958.

HON. WARREN G. MAGNUSON,
Senate Office Building, Washington, D. C.

DEAR SENATOR MAGNUSON: As you know, agencies and individuals interested in conservation have for several years been concerned over the rapid decline of waterfowl habitat in the United States. This decline is due largely to the artificial drainage of land for agricultural purposes. Most conservationists believe that the only hope of perpetuating the waterfowl resources of the continent lies in preserving a significant acreage of wetlands through public ownership.

Missouri, like other States, has an active program of acquiring suitable lands for waterfowl management. The United States Department of Interior, however, is charged with the primary responsibility under the terms of the Migratory Bird Treaty Act, the Migratory Bird Conservation Act, and other Federal legislation. Federal acquisition is financed by receipts from the sale of so-called duck stamps, authorized by the Migratory Bird Hunting Stamp Act. Currently, the duck stamp costs \$2 and about 2¼ million are sold annually. Receipts, however, are used for administration, management, research, and law enforcement as well as for land acquisition, by direction of the Budget Bureau. As a result, land purchase has lagged far behind drainage, and an emergency situation exists.

We are now informed that the Budget Bureau has agreed to accept a \$3 duck stamp earmarked entirely for land acquisition, except for costs of printing and distribution. We sincerely urge early and favorable action on such legislation. The need is obvious, those who benefit most will pay the bill, and immediate action is essential. We feel certain that after careful consideration you will help assure the future of North American waterfowl by actively supporting the \$3 duck stamp for acquisition of waterfowl habitat, while it is still available. Your support will be appreciated by the sportsmen of Missouri.

Very truly yours,

WILLIAM E. TOWELL, *Director.*

THE WILDERNESS SOCIETY,
Washington, D. C., March 31, 1958.

HON. WARREN G. MAGNUSON,
Chairman, Senate Committee on Interstate and Foreign Commerce,
Washington, D. C.

DEAR SENATOR MAGNUSON: I regret that I was not, because of Asian flu, able to appear before your committee earlier this month to testify on S. 2617, a bill to amend the Migratory Bird Hunting Stamp Act of 1934, as amended.

Since then I have learned that the Fish and Wildlife Service has presented to your committee a draft amendment to S. 2617, recommending that the price of the duck stamp be increased from \$2 to \$3, and that all of the revenue therefrom except cost of printing and distributing the stamps, be used for the acquisition of small marsh and wetland areas for the protection and preservation of migratory birds.

We feel that these recommendations are sound. The increase in revenue is necessary to provide funds for the acquisition of vital lands, and the apportionment of nearly 100 percent of the proceeds of this purpose is useful if the acquisition program is to be carried out while good waterfowl marshes are still available. Such areas are fast succumbing to drainage. A vigorous program of acquisition can save this major waterfowl resource. At the same time, as the Secretary of Interior has pointed out, there will be bonus benefits for fish, shellfish, and other wildlife resources of the Nation.

We are glad to support these recommendations, and hope that your committee will give them your earnest consideration. We trust that this communication will be made a part of the official record of the hearings.

Sincerely,

HOWARD ZAHNISER,
Executive Secretary and Editor.

GEORGIA CONSERVATION LEAGUE—NOW GEORGIA SPORTSMEN'S FEDERATION,
WAYCROSS, GA.

A RESOLUTION PERTAINING TO THE DUCK STAMP REVENUES FOR WET-LANDS
ACQUISITION

Whereas the wetlands of the United States that provide the necessary habitat for wild ducks and geese are shrinking rapidly due to drainage, pollution, siltation, and other factors; and

Whereas the acquisition of some 4 million acres of additional waterfowl lands is urgently needed to complete the national system of refuges and public shooting areas and the revenues from the present \$2 duck stamp are inadequate to accomplish this goal; and

Whereas although it was generally understood by American sportsmen when the duck-stamp fee was established that the primary purpose was to raised funds for the acquisition of such waterfowl areas, less than 15 percent of more than \$52 million in receipts has been spent in land acquisition since 1934; Therefore, be it

Resolved, That the Georgia Conservation League, in convention assembled at Savannah, Ga., October 18-20, 1957, urges the Congress of the United States to enact legislation definitely allocating at least 65 percent of the receipts for acquisition of waterfowl areas and increasing the fee to \$3 for the purpose of providing additional funds urgently needed for such acquisition. We also urge the Bureau of the Budget to allocate, and the Congress to appropriate, additional moneys over and above duck-stamp revenues for waterfowl management purposes; be it further

Resolved, That copies of this resolution be transmitted to all members of the Georgia delegation in Congress; to the chairman of the House Committee on Merchant Marine and Fisheries; to the chairman of the Senate Committee on Interstate and Foreign Commerce; and to the National Wildlife Federation.

Resolution No. 4: This resolution passed by the Georgia Conservation League in assembly at the annual convention at Savannah, Ga., October 19, 1957.

WESTERN ASSOCIATION OF STATE GAME AND FISH COMMISSIONERS,
Sacramento, Calif., March 4, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Senate Committee on Interstate and Foreign Commerce,
 Washington, D. C.*

DEAR SENATOR MAGNUSON: The Western Association of State Game and Fish Commissioners has requested that I inform you of action taken by the association relative to certain conservation measures which are being considered by you and your committee at the present time.

At a special meeting of the Western Association, held at St. Louis, Mo., on March 2, 1958, in connection with the North American Wildlife Conference, representatives of the Association took action to endorse the following bills:

S. 2447: A bill to direct the Secretary of the Interior to conduct studies of chemical control agents and their effects on fish and wildlife.

S. 2617: A bill to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended. It is understood that this amendment would provide for earmarking 65 percent of duck-stamp funds for land acquisition.

S. 3185: A bill to promote conservation of migratory fish and game by requiring certain approval by the Secretary of Interior of licenses issued under the Federal Power Act.

Favorable consideration of these measures by your committee will be appreciated sincerely by the Western Association of State Game and Fish Commissioners.

Very truly yours,

BEN GLADING, *Secretary.*

STATE OF CALIFORNIA,
 DEPARTMENT OF FISH AND GAME,
Sacramento, Calif., March 20, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Senate Committee on Interstate and Foreign Commerce,
 Washington, D. C.*

DEAR SENATOR MAGNUSON: It has come to our attention that in recent hearings before your committee, proposals have been made by the United States Bureau of Sport Fisheries and Wildlife, endorsed by John Biggs, president of the International Association of Game, Fish, & Conservation Commissioners, to the effect that current legislation before the Congress, dealing with the duck stamp, be amended to provide for a \$3 duck stamp, and further that all the money collected from the sale of said stamps be earmarked for the acquisition of lands for waterfowl management purposes.

The division of duck-stamp funds, as repeatedly recommended by the budget in the past, has long been a most objectionable practice, and has made it impossible for the Fish and Wildlife Service to meet its obligations in the expansion of essential waterfowl lands. This should be corrected at once.

It is further understood that Mr. Biggs endorsed a proposed amendment to this legislation which provides that the present legal restriction on the portion of duck-stamp lands which may be opened to hunting be raised from 25 to 40 percent.

The latter amendment would provide an essential tool for the proper management of these areas. We find that under California conditions large inviolate refuge areas can form a haven for extremely large concentrations of birds which can and do cause undue depredations to farmers' crops, and also subject the birds to disease and epidemics. The proposed amendment, which would enlarge the area opened to shooting, would handle some of the depredation problems in California.

It is requested that you and your committee give favorable consideration to these two amendments.

Sincerely yours,

SETH GORDON, *Director.*

ALASKA FISHERMEN'S UNION, *Seattle, Wash.*

Senator WARREN G. MAGNUSON,
Senate Office Building, Washington, D. C.

DEAR SENATOR MAGNUSON: This is in response to your letter of February 13 regarding Senate bills 2447, 2617, and 3185. We will be unable to appear to offer testimony on these particular bills.

We are in favor of your efforts on the bills in question, and hereby endorse them.

Sincerely yours,

GEORGE JOHANSEN, *Secretary-Treasurer.*

NATURE CONSERVANCY,
Washington, D. C. March 5, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is written with respect to S. 2617, which would amend the Duck Stamp Act to increase the percentage of receipts to be used for acquisition of waterfowl areas and authorize the purchase or leasing of small marshes in a new category to be called waterfowl production areas.

In a letter to your committee today concerning S. 2447, I have outlined the basic purposes and activities of the Nature Conservancy. While the conservancy is largely concerned with the preservation of natural areas through their acquisition on a nonprofit, privately financed basis, it is also greatly interested in the protection of natural areas by governmental bodies.

The preservation of wet lands is extremely important to wildlife and to the maintenance of some semblance of natural conditions for the inspiration and enjoyment of the people of this country. Although it is recognized that lands acquired under the Duck Stamp Act are subject to management, they will still be kept much more nearly in a natural state than if they were drained or otherwise destroyed. Small marsh areas are perhaps especially subject to destruction unless measures are taken for their protection.

Accordingly, your committee is urged to render a favorable report on S. 2617.

Very truly yours,

GEORGE B. FELL, *Executive Director.*

ORANGE COUNTY FEDERATION OF SPORTSMEN'S CLUBS,
Goshen, N. Y., February 25, 1958.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
United States Senate.

DEAR SIR: As per your letter to Mr. W. L. Shafer enclosed please find 25 copies of statements as per your request.

The Orange County Federation of Sportsmen's Clubs with a membership of over 14,000 members would like to go on record as being in favor of the passage of the following important bills, S. 2447, S. 2496, S. 2617, S. 3185, which are so vital to our country if we are to protect and preserve our fish and wildlife and maintain our valuable natural resources. So our waters can be restored, our forest replanted, our wildlife replenished, our rivers and lakes made to furnish once again their rich quota of clean, pure water and life necessities.

Yours in sports,

PETER NUZZOLESE, *Secretary.*

FIFTH DISTRICT IDAHO FEDERATION,
March 1, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Senate Committee on Interstate and Foreign Commerce
Washington, D. C.*

GENTLEMEN: In behalf of the 13,000 southeastern Idaho sportsmen I represent, I would like to make a few statements in regard to the bills pending before this committee.

We are, as you of course realize, genuinely interested in the perpetuation of these fish and wildlife resources and feel that we must protect them vehemently if needs be. As a matter of fact, all programs that are to benefit our posterity we feel are essentially a part of a heritage we must treasure and guard.

For these reasons we would like to go on record as favoring the following bills you are considering and soliciting your support: S. 2447, S. 2496, S. 2617, S. 3185.

Sincerely,

BOB WEBSTER, *Chairman.*

PHOENIX, ARIZ., March 5, 1958.

HON. WARREN G. MAGNUSON,
Chairman, Senate Committee on Interstate and Foreign Commerce,
Washington, D. C.:

The Arizona Game and Fish Commission in behalf of the sportsmen of the State wholeheartedly support S. 3185 to require prior approval by the Secretary of the Interior as to the fish and wildlife effects before the Federal Power Commission could issue a permit for a dam. We are also in favor of S. 2447 authorizing a program of research into the effects of chemical pesticides, and would like to see it expanded to include all herbicides as well as pesticides. Would also like to go on record as supporting S. 2617 which amends the Duck Stamp Act but would like to see the \$2 fee raised to \$3 with at least 65 percent of the receipts earmarked for waterfowl area acquisitions.

R. J. SMITH,
Acting Director, Arizona Game and Fish Department.

(Government reports on S. 2617 are as follows:)

DEPARTMENT OF AGRICULTURE,
Washington, March 27, 1958.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR SENATOR MAGNUSON: Reference is made to your letter of July 24, 1957, requesting a report on S. 2617, a bill to amend the Migratory Bird Hunting Stamp Act.

We believe that the leasing for waterfowl production areas of small wet-land and pothole areas, or, where found more advisable, the purchasing of strategic wet lands for that purpose, as would be authorized under section 3 of the bill, would be a useful and desirable means of cooperation with farmers and other private landowners in many local areas. However, since the other provisions of the bill relating to availability of funds under the Migratory Bird Hunting Stamp Act are the primary concern of another department, this Department abstains from any position with regard to enactment of S. 2617.

The bill would amend the Migratory Bird Hunting Stamp Act of 1934 so that (1) not less than 65 percent of the revenue from the sale of duck stamps can be used for acquiring land for migratory bird refuges; (2) not more than 20 percent of the revenue can be used for administration, maintenance, and development of refuges and for investigation in regard to migratory waterfowl; and (3) the Secretary of the Interior is authorized to acquire by lease, purchase, or exchange, small wet-land and pothole areas to be designated as "waterfowl production areas."

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, July 31, 1957.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR MR. CHAIRMAN: Further reference is made to your letter of July 24, 1957, acknowledged July 25, requesting our comments on S. 2617, 85th Congress. The bill would amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended.

The General Accounting Office has no information as to the need for, or desirability of, this bill. Consequently, we have no comments to make regarding its merits.

It is suggested however, that lines 7 and 8 of page 2 be amended by striking out the words "715i of this title" and inserting in place thereof the words "10 of the Migratory Bird Conservation Act (45 Stat. 1224), as amended." Also,

it appears that the word "not" in line 11, page 2, of the bill should be the word "nor."

Pursuant to your request, this letter is submitted in triplicate.

Sincerely yours,

JOSEPH CAMPBELL.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, March 4, 1958.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR MR. CHAIRMAN: Reference is made to your letter dated February 13, 1958, advising that the Subcommittee on Merchant Marine and Fisheries will hold hearings on S. 2447, S. 2496, S. 2617, and S. 3185 on March 6 and 7, and requesting that you be notified in the event representatives of this office may be expected to testify on these measures.

As indicated in our reports of July 19, 22, 31, 1957, and February 10, 1958, to your committee on these bills, the General Accounting Office had no information at that time relative to the need for, or desirability of, this proposed legislation. No additional information has come to our attention in the interim and we, therefore, do not contemplate appearing at the hearings on March 6 and 7.

Sincerely yours,

JOSEPH CAMPBELL.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 14, 1958.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

DEAR SENATOR MAGNUSON: This is in response to your request for the Department's views on S. 2617, a bill to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended.

We recommend that S. 2617 not be enacted.

Generally, the bill would modify the existing act in the following ways: (1) Not less than 65 percent of the revenues shall be available for the location, ascertainment, and acquisition of inviolate migratory-bird refuges; (2) not more than 15 percent shall be available for administration, enforcement, and regulatory investigations in connection with the act and the costs of printing and selling the duck stamps; and (3) the remainder to be available for development and maintenance of the refuges.

Assuming the same level of duck-stamp revenues as is presently received, the 65-percent provision for land acquisition would mean earmarking \$2,925,000 for this purpose. This would leave a total of \$1,575,000 available for refuge development and maintenance, enforcement, regulatory surveys, research, wet-lands preservation investigations, administration and the costs of printing and handling the stamps, as compared with \$3,100,000 budgeted for these programs in the fiscal year 1958. These programs are essential to the welfare of migratory birds and cannot be reduced without serious adverse effect on the proper management of this resource. While the increased funds for land acquisition, as insured by earmarking, are badly needed and will be very helpful for preserving essential waterfowl habitat, it should be pointed out that this increase will not be sufficient to complete the needed acquisition program within the time that these water areas will still be available.

We believe the authority to acquire waterfowl production areas by purchase, lease, or exchange is a desirable provision. Although we now have authority to acquire lands and waters for refuge purposes, the spelling out of the authority for the small marsh or pothole acquisition is desirable, particularly the feature that exempts such lands from being considered inviolate refuges. We believe the primary value of these areas is for waterfowl production, and hunting could be permitted without any objectionable consequences.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

ROSS LEFFLER,
Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 11, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: The Senate Committee on Interstate and Foreign Commerce has before it for consideration S. 2617, a bill to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended.

In its present form, the bill would modify the existing act in the following respects: (1) Not less than 65 percent of the revenues derived from the sale of migratory bird hunting stamps, commonly referred to as duck stamps, would be available for the location, ascertainment, and acquisition of inviolate migratory-bird refuges; (2) not more than 20 percent would be available for administration, maintenance, and development of refuges and for surveys and investigations involving migratory waterfowl; and (3) the remaining 15 percent would be available for enforcing laws for the protection of migratory birds and for the cost of printing and distributing the duck stamps.

On February 14, 1958, this Department recommended that this bill not be enacted. This adverse recommendation was prompted by the fact that no basis exists for earmarking 65 percent, in contrast to some other percentage, for land acquisition and, more importantly, by the knowledge that such earmarking of the revenues from the present \$2 duck stamp would fall short of meeting the immediate needs for land acquisition. This legislation has since received further study, and it has been concluded that the widespread demand and recognized need for an accelerated program of refuge land acquisition can best be met by two major changes in the law which provides the source of funds for purchasing refuge lands.

The first of the suggested changes proposes an increase in the cost of the duck stamp from \$2 to \$3, and the second would authorize the use of the revenues thus produced (after deducting the cost involved in the printing and sale of the stamps) for land acquisition and incidental administrative expenses. In addition to the need for amendatory legislation to increase the price of the duck stamp and authority to utilize the net proceeds of duck-stamp sales for refuge land acquisition, certain other amendments to the present act are desirable to facilitate better management of refuge lands. To accomplish the objectives hereafter explained in greater detail, we recommend that S. 2617 be amended to conform to the accompanying draft and urge that, as so amended, the bill receive prompt and favorable consideration by the Congress.

S. 2617, if amended to read as indicated in our suggested revision, would accomplish the following objectives:

I

The price of the duck stamp would be increased from the present price of \$2 to \$3. With the increased cost of land, equipment, and materials and higher salaries and wages since the last increase in the price of the duck stamp effected in 1949, such a price increase is essential to produce more revenue from the sportsmen who primarily benefit from this program, and thus make it possible to increase materially the rate of progress in the acquisition and eventual development of migratory bird refuges.

There has been considerable discussion during the past 2 years concerning the necessity for increasing the price of the duck stamp. At the September 1957 meeting of the International Association of Game, Fish, and Conservation Commissioners (the official organization of the State fish and game conservation departments), a resolution was adopted which included, among other features, the recommendation that the price of duck stamps be increased to \$3. Similarly, the Advisory Committee to the Assistant Secretary for Fish and Wildlife, a group composed of leading conservationists, made a like recommendation at its December 1957 meeting. Several of the State federations of sportsmen's clubs and regional game associations have adopted similar resolutions. Consequently, we believe there will be general support for the increase in the price of duck stamps provided such an increase is accompanied by assurances to the contributing sportsmen that there will be an accelerated program of acquisition of waterfowl habitat.

II

After deducting the cost of printing and distributing the duck stamps, all of the revenues would be available for expenditure for the location, ascertainment, and acquisition of lands for migratory bird refuges and waterfowl production areas.

At the present time, the four flyway councils and the Fish and Wildlife Service are cooperating in the development and implementation of long-range plans for the management of waterfowl in each flyway, including the acquisition of necessary habitat. It is contemplated that there will be a State-by-State appraisal of the remaining habitat and a determination of the areas which should be preserved and by which governmental agency. This cooperative venture is fully in keeping with the concept of State-Federal partnership. The States have demonstrated a deep interest in and a willingness to share the burdens incident to the management of these valuable resources. These surveys and appraisals of the remaining habitat are in process or about to begin and will form the basis of future acquisitions. Although final figures are not now available to indicate the total acreage to be acquired by the Federal Government, it is obvious that funds in much larger amounts must be devoted to land purchases than has been possible during past years if we are to preserve as waterfowl habitat even a minimum portion of the remaining areas of marsh and wet lands.

The primary objective of our present proposal is to acquire vital waterfowl habitat while the opportunity for such an accomplishment is still available even though it may be necessary to defer for some years the development of these lands. The loss of such lands through drainage use and subsequent agricultural, urban, and industrial development continues at a rapid pace and only by placing such lands under Federal control through purchase or lease can we hope to preserve sufficient acreage to provide essential breeding, feeding, resting, and wintering areas in this country to accommodate the needs of migratory waterfowl.

Although it is estimated that it will cost an average of \$40 per acre for the land and expenses incident to acquisition, this cost is relatively insignificant when compared to what the cost would be following improvement and development by the landowners.

Not all of the habitat to be acquired will require development or extensive maintenance. However, some areas will require improvement for maximum waterfowl use purposes, but this improvement will be undertaken only on the basis of actual need, as determined by the Department in keeping with Federal responsibilities and requirements. In conducting our future programs following the enactment of this legislation, we will request funds through the normal budgetary processes for the development, maintenance, and operation of refuges, to carry on law enforcement, and to conduct the surveys and research which are essential to the proper management of our migratory bird resources.

III

The Secretary of the Interior would have discretionary authority to open a maximum of 40 percent of any refuge to the hunting of migratory waterfowl. Presently, this authority is limited to 25 percent of the land acres acquired with duck stamp funds. Frequently, the checkerboard pattern which has resulted from the use of several sources of funds in refuge land acquisitions makes the opening of even 25 percent of the lands acquired with duck stamp funds impracticable. Each waterfowl area has individual characteristics which require greater latitude in management than is now permissible. Discretionary latitude in the opening of national waterfowl refuge lands to public hunting would make it possible to compensate for seasonal variations in the quality of feeding and resting grounds resulting from water conditions and many other factors beyond the control of management. A further consideration is the frequent need of allowing additional hunting to cope with problems of waterfowl depredation or to allow for an adequate harvest of species in abundance. It would also make it possible to take prompt corrective action in dealing with devastating eruptions of botulism or other waterfowl diseases.

IV

To further implement the management features referred to under III and to enhance opportunities for saving the remaining small marshes in the principal waterfowl production areas of the United States, the proposed substitute bill would give special recognition to the desirability of bringing these lands under Federal control, while at the same time permitting waterfowl hunting to continue unabated. The production grounds of the Dakotas, Minnesota, and Montana represent the principal waterfowl breeding grounds in the continental United States. A program of preservation through control by Federal acquisition of fee title or lease agreement is contemplated to insure the continued availability of these lands for breeding purposes. One of the chief objections on the part of the landowners under present law would be the inevitable curtailment of hunting. Obviously, it would not be feasible to open to hunting either 25 or 40 percent of each 2- to 10-acre marsh. Moreover, these areas freeze over early and offer only limited hunting opportunities. Since hunting activities would in no way interfere with the primary purpose for which these areas will be established, it is proposed that they be designated as management areas not subject to any statutory restriction with respect to hunting.

An effective date for the proposed increase in the price of the duck stamp would be fixed at July 1, 1959, to avoid unnecessary fiscal complications. Likewise, to permit an essential realignment of the fiscal program of the Bureau of Sport Fisheries and Wildlife, July 1, 1960, would be fixed as the date following which the net proceeds from duck stamp revenues would be devoted exclusively to land acquisition.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

ROSS LEFFLER,
Assistant Secretary of the Interior.

UNITED STATES DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 17, 1958.

HON. WARREN G. MAGNUSON,
United States Senate, Washington, D. C.

DEAR SENATOR MAGNUSON: It is my pleasure to call your attention to the recent announcement by Secretary of the Interior Fred A. Seaton that the Department has proposed to the Congress further amendments to the Migratory Bird Hunting Stamp Act which would significantly speed up migratory waterfowl refuge acquisition.

As I view the matter in the light of personal knowledge and experience gained over a period of 30 years while a member of the Pennsylvania Game Commission, the proposal recommended by the Department represents the most forward looking and progressive step toward the acquisition of vital migratory waterfowl habitat since the inception of the Migratory Bird Conservation Act of February 18, 1929.

The plan is reflected in some detail in the enclosed copy of this Department's report to you, as chairman of the Committee on Interstate and Foreign Commerce, which was accompanied by a draft of legislation recommended as a substitute for S. 2617. That bill would have earmarked for land acquisition purposes not less than 65 percent of the revenues derived from the sale of the so-called duck stamp. A similar report has been sent to Chairman Herbert C. Bonner, of the House Merchant Marine and Fisheries Committee. This report was similarly accompanied by a draft of a bill recommended as a substitute for H. R. 624 and several other bills in the House of Representatives which are designed to give impetus to the acquisition of lands for refuge purposes.

Under the Department's suggested legislation, the price of the duck stamp would be increased from \$2 to \$3 and all of the revenues thus produced (after deducting the cost of printing and distributing the stamps) would be devoted to land acquisition. This would produce more than \$6 million annually which would be used to round out some of our present incomplete refuges, to acquire additional waterfowl refuge lands, and perhaps even more importantly, to acquire through purchase, lease, or donation some of the fast disappearing small marsh and wet land areas which are so essential to the continued production of waterfowl in this country.

As pointed out in the Department's report, the primary objective of our present proposal is to acquire vital waterfowl habitat while the opportunity to do so is still available, even though it may be necessary in some cases to defer the development.

While the primary need is to acquire additional lands to be preserved as waterfowl habitat, I can also envisage a "bonus" benefit to the fish and shellfish resources of the Nation, particularly those which are found along the south Atlantic and gulf coasts. The number and magnitude of the manmade changes in the estuaries, sloughs, marshes, lagoons, and swamps that fringe these coasts have been increasing steadily to meet the needs of our growing population and industry.

Coastal marsh areas provide an essential and unique habitat for important game, sport fish, commercial fish, and shellfish resources. Not only do these areas provide wintering grounds and food for ducks and other waterfowl, they also provide forage and cover for wild fur bearers such as muskrat, mink, and raccoons. They constitute the nursery ground for many kinds of fish and shellfish, comprising spawning grounds for some and feeding grounds for others. Fish of both commercial and sport species, including menhaden, shad, striped bass, croakers, weakfish, and tarpon, are reared in these coastal marsh areas during their early stages. Shrimp, oysters, and clams, which support important commercial fisheries, spend at least part of their lives in this inshore environment. The extent to which these coastal areas can be placed in Federal ownership to insure continued habitat for migratory waterfowl will also contribute to the preservation of inshore environment of the type upon which other species of game animals, fur bearers, fish, and shellfish are dependent.

In proposing that all of the net revenues from duck stamp sales be utilized for land acquisition we are not overlooking the necessity for funds with which to continue to perform other essential functions relating to the preservation and management of our migratory bird resources, including the need for carrying out an effective law enforcement program and the survey and research activities which form the basis for our annual migratory bird hunting regulations. In conducting our future programs, following the enactment of the legislation proposed by the Department, we will request funds through the normal budgetary processes for the development, maintenance, and operation of refuges, to carry on law enforcement, and to conduct the survey and research activities which furnish the key to the promulgation of regulations permitting a proper harvest of migratory game birds. I am confident that the Bureau of the Budget and the Congress will be responsive to our requests and that on the basis of clearly demonstrated need we shall be able to obtain adequate appropriations with which to perform these tasks.

Other significant features of the proposed legislation are described in the report to your committee and are discussed in the enclosed copy of a statement presented on March 6 by Director Janzen of the Bureau of Sport Fisheries and Wildlife before a subcommittee chaired by you when it considered S. 2617. Should you desire additional information concerning any aspect of the Department's proposals, we should be only too glad to supply it.

These proposals have the personal interest and endorsement of Secretary Seaton. We hope they meet with the favor of yourself and others who are interested in the preservation, protection, and proper management of the Nation's valuable migratory bird resources.

Sincerely yours,

ROSS LEFFLER,
Assistant Secretary.

DEPARTMENT OF JUSTICE,
March 7, 1958.

HON. WARREN G. MAGNUSON,

*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (S. 2617) to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended.

The bill would amend section 4 of the Migratory Bird Hunting Stamp Act of March 16, 1934 (48 Stat. 451), as amended, by decreasing the percentage of the moneys received from the sale of Federal migratory bird hunting stamps for the location, ascertainment, acquisition, administration, maintenance, and

development of suitable areas for inviolate migratory-bird sanctuaries," and allocating such funds for certain of such purposes, by making a proportion of any area acquired, in the discretion of the Secretary of the Interior, free from the prohibitions against the taking of birds, nests, or eggs, and by authorizing the Secretary to use funds under the act or appropriations for the above purposes for acquiring by lease, purchase, or exchange small wet land and pothole areas which would not be classified as national wildlife refuges or be subject to the inviolate sanctuary provisions of the act.

Whether the bill should be enacted involves questions of policy on which the Department of Justice prefers to make no recommendation. However the committee may wish to give consideration to the following suggestions resulting from the examination made of the bill:

Page 1, line 4: Include citation to appropriate section of the United States Code, in view of the reference to the United States Code on page 2, line 7.

Page 2, lines 8-14: The exception should be clarified. The entire proviso beginning on the first line is new, and the prohibition as to the shooting of birds seems to be prospective and the phrase "not prior to July 1, 1952" to be inconsistent.

Page 3, section 3: In view of the apparent authorization to use the funds under subsection (a) which are therein limited to areas for migratory bird sanctuaries under the Migratory Bird Conservation Act for a different purpose, acquisition of small areas in which the birds are not to be protected, the language as to the funds to be available should be clarified.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely yours,

LAWRENCE E. WALSH,
Deputy Attorney General.

FISH AND WILDLIFE LEGISLATION

FRIDAY, MARCH 7, 1958

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
SUBCOMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D. C.

The subcommittee met, pursuant to call, at 10:50 a. m., in room G-16, United States Capitol, Hon. Warren G. Magnuson (chairman of the committee) presiding.

The CHAIRMAN. We will now take up S. 3185, which is a bill to promote the conservation of migratory fish and game by requiring certain approval by the Secretary of the Interior of licenses issued under the Federal Power Act.

The CHAIRMAN. We will first hear Senator Neuberger, of Oregon.

STATEMENT OF HON. RICHARD L. NEUBERGER, UNITED STATES SENATOR FROM THE STATE OF OREGON

Senator NEUBERGER. Yesterday, you and I had a very informative discussion, at least informative as far as I was concerned, about salmon at sea. Today, we are going to discuss salmon up in the mountains.

The CHAIRMAN. They have to come from the sea to get there.

Senator NEUBERGER. They have to go both places, they spawn in the mountains and mature at sea, and you and I have the honor to represent States that are very directly involved in both areas. I appreciate very much the opportunity to come here this morning.

Mr. Chairman and members of the committee, the bill now before you to give the Secretary of the Interior and the Fish and Wildlife Service collateral jurisdiction over issuance of Federal Power Commission waterpower project licenses where fish and wildlife values are involved reflects the present dilemma of water resource development in the Columbia River Basin.

A major crisis confronts the Pacific Northwest region because potential dam development brings us face to face with the question of power production versus migratory fish survival. The manner in which this conflict is resolved will have far-reaching impact, nationally and internationally, on fundamental conservation concepts.

Unfortunately, the hour of decision has been advanced by recent decisions for abandonment of full and comprehensive development of the Columbia.

To provide for maximum utilization of the Columbia—where lurks 40 percent of the Nation's hydropower potential—high dams are needed in upstream areas to impound water for flood control and to level out streamflow, thus gaining efficiency in energy output from downstream generators.

Five years ago a plan of the Corps of Engineers sought to achieve these objectives. But administrative decisions since that time have resulted in evaporation of hopes for their attainment.

The Federal Power Commission decision favoring three small dams of the Idaho Power Co., cost the region in excess of 2½ million acre-feet of reservoir space at Hells Canyon.

Elimination of major flood-control facilities at the Priest Rapids and John Day added nearly 2 million acre-feet more to the toll.

The Libby Reservoir site, above Grand Coulee, has become snarled in international negotiations.

The loss of this storage potential has not diminished the need for obtaining it. As a result, the search for alternative storage areas has been accelerated. Now it has reached the point where other values involved in the multiple-use of water, such as fish and wildlife, are seriously threatened.

I have been concerned about the course of the conflict between fish and power ever since coming to the Senate. I fought for the construction of a high Federal dam at Hells Canyon because it was plain that, if this storage site were lost, pressure would increase to put concrete barriers across streams spawning salmon and steelhead.

I have tried to stimulate action in the executive branch for negotiations with Canada to allow storage development of boundary waters. My objective was to obtain power and flood control in the "fishless" reaches of the Columbia above Grand Coulee Dam to reduce the need for invasion by dams of such tributaries as the Clearwater and Salmon, where the toll on fish and wildlife would be heavy.

I regret that my efforts were not more successful to obtain more power and flood-control storage in areas not involving fishery resources. This might have precluded the necessity for considering the bill I introduced on January 29, 1958, following an action by the Federal Power Commission which, in my opinion, was extremely detrimental to maintaining the migratory fish runs of the Columbia Basin.

On January 20, 1958, the Commission ruled that a high dam at the Nez Perce site on the Snake River, between Oregon and Idaho, would be feasible for construction either by the Government or by private interests. The decision stated "fishery experts have made great strides" in enabling migratory fish to survive high dams like the proposed Nez Perce project.

I regarded this contention as premature and unwarranted on the basis of existing information. As a result, 9 days later, I introduced the bill, S. 3185, so that licenses for waterpower projects could not be issued until the Secretary of the Interior is satisfied that the plans for fish-passing facilities would mitigate the loss of migratory fish and game.

The CHAIRMAN. I think the record ought to show here that you are speaking of licenses for waterpower projects where there is definitely fish and wildlife involved.

Senator NEUBERGER. That is right, on rivers where there is game, migratory fish, and so on.

I will ask that the bill be printed at this point in my statement.

The CHAIRMAN. It will be printed in full in the record.

(S. 3185 follows:)

[S. 3185, 85th Cong., 2d sess.]

A BILL To promote the conservation of migratory fish and game by requiring certain approval by the Secretary of the Interior of licenses issued under the Federal Power Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (e) of section 4 of the Federal Power Act is amended by inserting before the period at the end thereof a colon and the following: "*And provided further*, That no license shall be issued until the plans for the project have been approved by the Secretary of the Interior, after consultation with the Fish and Wildlife Service of the Department of the Interior, as not being detrimental to the conservation of migratory fish and game".

Senator NEUBERGER. Mr. Chairman, actually the decision of the Federal Power Commission should prove disturbing to both conservationists and to persons advocating development of the Columbia River for power.

Not only are the salmon pilgrimages of the Columbia endangered by the proposal for a 700-foot dam at Nez Perce, but the region's hydroelectric development is jeopardized, as well. This might prove especially damaging to the entire fishing and cannery industry of the Puget Sound area.

I particularly want to emphasize this to you because I doubt if any Senator in modern times has been such a champion of the fisheries industry of the Pacific Northwest, particularly the Puget Sound area in your own State, where so much of it is concentrated, and I want to emphasize why I think this Nez Perce decision of the Federal Power Commission, upon which my bill is predicated, is such a threat, not only to waterpower production, but to the Puget Sound salmon fishery.

Nearly 3 years ago, the Canadian Parliament approved a \$250,000 allocation to study engineering feasibility of diverting Canada's portion of the Kootenai into the Columbia, and then diverting some 15 million acre-feet or more out of the Columbia and into Canada's Fraser River system.

Fifteen million acre-feet would be nearly equivalent to the whole flow of the Colorado River at Glen Ferry, where it is measured.

In this way, a volume of water nearly equal to the flow of the Colorado would never reach generators in the downstream portion of the Columbia in the United States. Such a diversion would have great benefit to Canada because it would drop a vast volume of water through turbines on the Fraser, thus securing an extra 1,200 feet of head.

An extra 1,200 feet of head for the volume of water I have mentioned would be nearly equivalent to two Hoover Dams, Hoover Dam being between 600 and 700 feet in height. This would be equivalent to the whole flow of the Colorado, and twice the head at the Hoover Dam.

Of course, the diversions would completely rule out hopes for building Libby Dam on the United States side of the border. Also, shifting the flow from the Columbia to the Fraser would place an eternal ceiling of future power production at American plants below the border.

Your predecessors often talked of a third powerhouse at Grand Coulee. You yourself have discussed that in many speeches.

If this diversion takes place, there will never be a third powerhouse, and there is question whether the two existing powerhouses will maintain their production in low-water periods.

Those of us opposing Canadian diversion have relied heavily on the great damage which diversion would do to the sockeye salmon migrations of the Fraser watershed. Our great ally has been the \$30 million salmon fishery of the Fraser, which also nurtures the spawning cycle supplying a large volume of the salmon processed at Puget Sound canneries from Tacoma northward into British Columbia.

On the floor of the Canadian Parliament, the opponents of diversion have used as a trump card the fact that high dams would eliminate the fish migrations valuable to both Canada and the United States.

Mr. Chairman, I have been reading Hansard, which is the Canadian equivalent of our Congressional Record, and in prolonged debates at Ottawa in the month of December, General McNaughton relied almost exclusively on the need to protect the fish migration in the Fraser River watershed.

Now, the Federal Power Commission seems determined to snatch that card away by glossing over the damage which 700-foot-high Nez Perce Dam would do to salmon migrations. It now becomes many times more difficult to persuade our Canadian friends that they should sacrifice greatly augmented power development in order to prevent high dams from destroying the sockeye runs of the Fraser.

The American section of the International Joint Commission, which has jurisdiction over development of boundary waters, has also used the existence of the Fraser salmon runs as an argument to thwart the diversion proposals.

But can one agency of the United States—the Federal Power Commission—blithely claim that methods are now at hand to get salmon runs over high dams on the Snake and Salmon Rivers, while another Government agency—the International Joint Commission—argues with their Canadian counterparts that high dams inevitably will be fatal to salmon runs on the Fraser River?

I would like to emphasize the proposed Nez Perce Dam is slightly over 700 feet in height, while the dams proposed on the Fraser are only 500 feet in height, or 200 feet lower in elevation than Nez Perce.

Such doubletalk would not confuse our Canadian friends, I am sure. And they are already aware of the inconsistency of our position. In a recent appearance before the External Affairs Committee of Parliament, the Chairman of Canada's branch of the IJC, Gen. A. G. L. McNaughton, commented on a staff report of the Federal Power Commission, brushing off the dangers to migratory fish from high dams. General McNaughton said:

That, gentlemen, is the opinion of the examiner of the FPC. It means that after many years of controversy and discussion of the question of whether dams are to be built in the upper waters of the Columbia and along the Snake and so on, the FPC decided that high dams would be built, and they put biologists and other fishery engineers to work to find ways to get a reasonable proportion of fish up and down, and they have expressed their confidence as to the progress and what could be done.

General McNaughton, the Chairman of Canada's section of the IJC, is a leading sponsor of the Fraser diversion. If he speaks thusly of the FPC staff recommendations, what will he tell Parliament in view of a far stronger statement for high dams by the entire membership of our Federal Power Commission?

In its advocacy of construction of Nez Perce Dam, the FPC has opened a Pandora's box which could trouble us for years to come in our relationships with Canada on the upper reaches of the Columbia River system.

Certainly, if a major United States agency concerned with water resources now claims that fish experts have made great strides in passing migratory salmon over high dams on the American side of the border, it will be most difficult to argue that such cannot be duplicated with Canadian high dams.

I want to emphasize that again, Mr. Chairman, because in 1955 I was sent to Canada by the chairman of the Interior Committee to survey this situation, and the only argument against diversion I found anywhere in that great country with which you are so familiar and which you have visited many times, as I have, was protection of salmon.

Not one other argument was made, because even those opposed conceded it would be in the interest of Canada from the standpoint of maximum power development at low cost.

In December of 1957, I wrote an article for Harper's magazine, *Power Struggle on the Canadian Border*, and in there I emphasized that the major factor that was preventing the diversion was the protection of the Fraser River salmon runs.

Mr. Chairman, there is no conclusive proof at present that devices or methods exist to enable salmon runs to survive dams such as the 700-foot Nez Perce project, either on the upstream or downstream pilgrimages.

Evidence of this was expressed at a hearing in my home city of Portland, Oreg., at a hearing conducted by the Oregon Water Resources Board as recently as January 21, 1958. At that time, Mr. Samuel J. Hutchinson, regional director, Pacific region, Bureau of Commercial Fisheries, located at Seattle, told the Board:

The United States Fish and Wildlife Service, in the lack of a proven method of successfully passing anadromous fish over dams of this height, must oppose these dams at this time * * *. The state of our knowledge of fish passage over high dams is much too meager at this time to risk the survival of these runs at high dams incorporating plans for untried fish-passage facilities.

There is a wide gulf between the language of the FPC decision that fishery experts have made great strides in developing fish-passage devices, and the statement of the Fish and Wildlife Service's commercial fisheries director from the Pacific Northwest that our knowledge of fish passage over high dams is much too meager.

I ask that Mr. Hutchinson's complete statement be included in the record at this point with my remarks.

The CHAIRMAN. It will be placed in the record.

(The statement above referred to follows:)

STATEMENT BY THE UNITED STATES FISH AND WILDLIFE SERVICE AT A PUBLIC HEARING HELD IN PORTLAND, OREG., BY THE WATER RESOURCES BOARD, JANUARY 21, 1958

(Read by Samuel J. Hutchinson, regional director, Bureau of Commercial Fisheries, Seattle, Wash.)

The fish runs in that part of the Middle Snake River Basin which would be blocked by high dams are vital to the Columbia River Commercial Fishery. These high dams include the Nez Perce Dam on the Snake River, the Lower Canyon and Crevice Dams on the Salmon River, and the Wenaha Dam on the Grande

Ronde River. These are all high dams with heights ranging from 580 to 700 feet. All of these dams would block important runs of anadromous fish. The United States Fish and Wildlife Service does not approve the descriptions of fish passage facilities that have been suggested elsewhere for these high dams.

The Snake River is estimated to produce some 33 percent (9,344,000 pounds) of all the Columbia River salmon and steelhead. All of the blueback of the Snake River spawn in the Redfish Lakes area of the Salmon River.

The heart and core of the Snake River fishery production is contained in the areas which would be blocked by these dams. Loss of the fishery production of these streams would be disastrous to the Columbia River commercial and sport fishery and to the very important segment of the regional and national economy dependent on that fishery.

The United States Fish and Wildlife Service, in the lack of a proven method of successfully passing anadromous fish over dams of this height, must oppose these dams at this time. It is true that our agency, in cooperation with the State fish and game agencies, is attempting to find means of successfully passing fish over high dams. However, the great importance of the fish runs which depend on uninterrupted access to the Salmon and Grande Ronde Rivers rules out, for the present, any proposals by the United States Fish and Wildlife Service for fish passage at these dams, pending trial elsewhere on streams where the run of fish is less important and pending much more research. The state of our knowledge of fish passage over high dams is much too meager at this time to risk survival of these runs at high dams incorporating plans for untried fish passage facilities.

I repeat that the United States Fish and Wildlife Service is opposed to Nez Perce, Lower Canyon, Crevice, or Wenaha Dams at this time.

Senator NEUBERGER. His view has been affirmed by one of the Nation's outstanding authorities in the field of fish biology, Dr. Ira Noel Gabrielson, formerly Chief of the Fish and Wildlife Service and now executive director of the National Wildlife Management Institute, a personal friend of yours and mine, Mr. Chairman.

On November 6, 1957, Dr. Gabrielson wrote to me:

Regardless of statements that have appeared from time to time, there simply is not enough know-how to get anadromous fish over such high dams. They would be a barrier to the adult fish on the upstream migration and to the young fish on their move to the sea.

This expert testimony refutes the cavalier attitude of the Federal Power Commission on the prospects for handling fish-passage problems, and underscores the necessity for tempering such disregard of fish and wildlife values with the protective procedures similar to those embodied in the bill I have introduced.

Inasmuch as I have mentioned our friend Dr. Gabrielson, his successor is in the room today. Another friend of yours and mine, Mr. Chairman, Mr. Albert M. Day, who is presently the director of the Fish Commission of the State of Oregon, by appointment of Governor Holmes, and I am very pleased that Director Day expects to testify later this morning.

It has been argued that adequate protection is given by provisions of the Federal Water Power Act requiring the Federal Power Commission to give due regard and consideration to fish and wildlife prior to the issuance of licenses.

This admonition has always been in the act, yet we have had decisions adverse to fish in the famous Pelton Dam case, in the case of the Mayfield project on Washington's Cowlitz River, the case of Beaver Marsh project on the McKenzie, and now the Nez Perce opinion.

The actions of the Commission verify the need for restrictions based on more expert judgments.

Further evidence of the FPC's present disregard for survival of migratory fish is illustrated in conditions at licensed Idaho Power Co. dams now under construction on the Snake River.

Although the company claims that the Brownlee unit is nearly 80 percent complete, the fish-passage facilities at the project have not yet been approved by the Commission.

I want to emphasize this, because it seems to me this is a vivid example of the fact that the protection of migratory fisheries today is of no material concern to the Federal Power Commission.

Adequacy of fish-handling devices should have been an early consideration in Commission action on this project. Yet the minutes of the 95th meeting of the Columbia Basin Interagency Committee held in Tacoma, Wash., on January 29, 1958, disclose:

The power company has requested the Federal Power Commission to make a decision on the fish-handling problem at Brownlee Dam. The company is not willing to construct anything until they are ordered to do so by the Commission.

Does this constitute adequate, prior attention by the Commission to assure survival of the migratory salmon runs of the Snake River? This failure by the Commission to require early and adequate fish-handling facilities at the Brownlee site is the crowning perfidy in its sorry record in the Hells Canyon case.

The fear has been expressed to me that the language of S. 3185 would assign a veto power to fishery experts and that this would give conservation of fish and game a superior status in evaluating the multiple-purpose uses of water resources.

I would like to point out, however, that the Water Power Act now restricts the Commission's licensing authority by providing that—

No license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of the Army.

Yet, it is not argued that this delegation of authority to the Army engineers and Secretary of the Army has resulted in navigation enjoying superior consideration in development of water projects, nor that the Secretary has wielded undue veto power over project licenses.

Surely, parallel participation of fish experts in FPC verdicts ought to be required where the streams at stake are the habitat of fish pilgrimages worth many millions of dollars.

In the management of our Nation's water resources for their full multiple-purpose benefits, major fisheries certainly deserve protection equal to that afforded the requirements of navigation.

The irregularity in our laws protecting fish and navigation was succinctly summarized in an address by Mr. D. H. Janzen, of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, at the 23d North American Wildlife Conference at St. Louis, Mo., only this past week, March 3, 1958, in which he said:

A friend of mine recently asked me why fish should not have as much consideration as barges in a navigation system. I think he had a point. Water is just as important to a fish as it is to a barge, but the laws of our land do a much better job protecting the right of a barge to unimpeded movement than they do a run of fish whose very existence depends upon the continuance of an unobstructed river system. There are various proven ways of transporting freight from one point to another or of producing electric power, but so far no one has successfully changed the life history of a salmon.

I would like to say that Mr. Janzen's remarks on March 3 closely parallel the remarks of the senior Senator from Washington on the floor of the United States Senate yesterday in discussing the fisheries treaty.

Advocates of power development in the Pacific Northwest have raised objections that the language of S. 3185 gives too great authority to officials of the Interior Department. In my opinion, the performance record of the Federal Power Commission shows that it is not competent to evaluate the recognition which should be given to fish and wildlife in the licensing of projects.

Some agency of Government must be assigned this function if migratory fish runs are to be passed on to future generations.

Again, I emphasize the sorry record in the Brownlee case which demonstrates that the Federal Power Commission doesn't have any real desire to protect these fish runs.

During consideration of this bill, Mr. Chairman, I would urge that every opponent of this measure be asked the question:

Who should determine the protection to be afforded fish and game when water-power projects are proposed?

The opponents of my bill should be asked to suggest specific language which will assure adequate treatment for this resource. I am not wedded to the precise wording of the bill now before your committee, and would welcome suggestions for any improvement which would adequately meet the demands of the problem.

I think people who oppose the bill should be asked if they think the record of the Federal Power Commission in the slightest way demonstrates the Commission is at all concerned about the survival of migratory fisheries, and then what specific language they would suggest as an alternative, and who they believe should protect fish and game and other wildlife values when these projects are licensed.

In recent years it has fallen to citizens groups, such as the Izaak Walton League, the Wildlife Management Institute, the National Wildlife Federation, The Sierra Club, the Wilderness Society, and other groups to defend the public interest against encroachment of our fisheries by ill-planned dams.

Their position deserves the backing of official Government agencies, whose judgment as to the inadequacy or adequacy of project plans is based on the findings of experts in this field.

That is why I urge that your distinguished committee give favorable consideration to my proposal giving the Secretary of the Interior and the Fish and Wildlife Service collateral jurisdiction in licensing of water-power projects. Some such safeguard is required lest major fish runs be wiped out in the region you and I love and help to represent in the United States Senate.

Thank you, very much.

The CHAIRMAN. Thank you, Senator Neuberger.

Do you know who has filed on the Nez Perce project?

Senator NEUBERGER. To date nobody has filed.

The CHAIRMAN. But it is your contention that the recent decision would open the door for filings for purely power projects?

Senator NEUBERGER. I would say it was an invitation to do so.

The CHAIRMAN. An invitation for utilities to file?

Senator NEUBERGER. In fairness to the utilities, or some proposal such as in the John Day partnership, for some interest, either public or private, to file.

The CHAIRMAN. Now, I note what you say, and I am in entire agreement with what you say regarding the Hells Canyon and the Brownlee Dam situation. I read somewhere, only this week, in a fisheries trade magazine, or trade communication, that there was some project being started on Brownlee, an experiment or a research project on electrical methods of guiding fish.

I wonder if we could have for the record. Who instituted that project? Was it the people building the dam, the Fish and Wildlife Service, or the Federal Power Commission, who instituted the experiment?

(Interior release dated March 14, 1958, is inserted herewith:)

[For release from the United States Fish and Wildlife Service]

BIG FIELD TEST PLANNED FOR ELECTRICAL GUIDING OF YOUNG SALMON

A full-scale field experiment on the effectiveness of electrical apparatus in guiding young seabound salmon away from danger area will begin late in March and continue throughout the period of migration, Assistant Secretary of the Interior Ross Leffler announced today. The test will be made at Lake Taps on the White River, a tributary to Puget Sound in the State of Washington.

The project will be one of the highlights of the electrical guiding experimental program which the Bureau of Commercial Fisheries, of the Department's Fish and Wildlife Service has been conducting for about 7 years. It is the Bureau's first large-scale test on the use of electrical equipment to divert young fish from danger areas.

Two field tests on streams approximating 100 feet in width have been successful, as have numerous laboratory and aquarium tests. In the pending test a 1,000-foot electrical fence will be used. A "fence" consists of a line of electrodes which hang in the water at specified intervals, and which carry pulsating direct electric current supplied by a source on the shore.

As the small fish approach the electrical field they are guided into a trap for enumeration. An additional trap will be used to catch any fish which may get through the electrical field. In this way the actual effectiveness of the device under normal field conditions can be ascertained.

The electrical guiding experiments have been conducted to get solutions for four general types of problems relating to fish migrations:

- Guiding adult fish around barriers which block upstream migration;
- Guiding young fish safely around danger spots on their downstream migration;
- Separating wanted from unwanted fish;
- Protecting young fish from predators.

The value of electrical apparatus in guiding adult salmon and steelhead trout upstream passed a major test some months ago at Brownlee Dam on the Snake River. During a full-scale test more than 15,000 fish bound for their spawning grounds were led into traps and transported to waters above the construction area.

Considerable success has been achieved in separating food fish from the sea lamprey in the Great Lakes area. The food fish reacted to the properly pulsed current and were led into safety but adult lamprey on their way to spawn went right through it and plunged into another electrical field of sufficient strength to kill practically every lamprey entering it.

The chief problem area for predation is in the lower Columbia River where hordes of squawfish are a final hazard for young salmon planted from hatcheries. Some progress has been made here but there is still much to be accomplished before this problem can be considered solved.

The Fish and Wildlife Service has recently issued a report on the use of electrical equipment in guiding adult salmon. This illustrated report is entitled "Special Scientific Report—Fisheries No. 246, Diversion of Adult Salmon by an Electrical Field." A limited supply is available through the United States Fish and Wildlife Service, Department of the Interior, Washington, D. C.

The CHAIRMAN. As the Senator from Oregon points out, it is also true that nothing has been done in the construction, itself, on this so-called fish problem.

Senator NEUBERGER. The thing that disturbs me about Brownlee is that the company boasts the project is 80 percent completed, yet the plans for the protection of fish are in a highly vague and ambiguous state.

I understand that adult fish are being trapped below the dam and trucked above the dam where the spawning will take place, but they have had no facilities worked out for getting the fingerlings downstream, as I understand it.

They were totally unprepared for something that happened which certainly they should have been aware of, and which the Federal Power Commission should have required them to be aware of if they had an interest in fisheries, and that was this.

You were one of the leading proponents of the Dalles Dam on the Columbia River that flooded out an Indian fishery. You were also one of the leading advocates of the very substantial reimbursement which went to the Indians for loss of that asset.

But the elimination of the Indian fishery resulted in a vast upstream escapement of salmon which had not occurred in modern times, or of recent record. And some of them went up the Snake in the Brownlee area, and there were no facilities provided to take care of this much larger escapement than had been anticipated, even though the Brownlee Dam was some 80 percent completed.

I think this is further indication of the fact that the FPC itself is not prepared to protect these wildlife values.

The CHAIRMAN. I note what you say, and I can't express the opinion of other members of the committee, or subcommittee—I wish there were more here to listen to not only your testimony but other testimony on this very important matter that we have particularly concentrated in the Pacific Northwest area.

I, too, have been personally concerned with the trend in Canada, and no one has been closer, I think, to the problem of water storage in Canada than I have for a long, long time, over twenty-some years in Congress alone.

It seems to me that if there had been more activity on the part of the Federal Power Commission, or more concern about this matter which also directly involves our fish problem, that we wouldn't have many of these problems downstream and in the Snake.

The International Joint Commission has done practically nothing in my opinion about this matter over the years.

Libby Dam, or the Libby storage problem has been before us, I don't know how many years, and with no action.

Some days I wonder what the International Joint Commission does do—they have meetings. I must confess every time they make a change in the American chairmanship, I have some hopes that something might happen, but every time a change is made it is usually one whose philosophy seems to, in the past, at least, from experience, the chairman has been one who hasn't been too concerned about the comprehensive development of the river, but rather more concerned about power development of power projects, and so-called vague partnerships and things of that nature.

Senator NEUBERGER. We don't even have a right in the Senate to confirm that chairman.

The CHAIRMAN. No; and that doesn't solve our problem at all whether your contention is right or wrong, or has merit one way or another.

The new chairman of the American Commission, I am hopeful, if he has as much energy in helping get storage projects for all of us, public, private, and all the dams, as he has exhibited in some cases in the State of Oregon, we might get something done. I still have hopes.

But it seems to me that, No. 1, we had better straighten this out, if not only for one reason, and that is to shown the Canadians that we are consistent in what we are trying to do. I don't know whether your proposal is the answer.

I know that there is some objection to it, to the wording, and I am glad you stated in your statement that you are not wedded to the language.

Senator NEUBERGER. Not at all.

The CHAIRMAN. But I do know the main objective I think is pretty dear to all of us out there, and without it, we are not going to make any progress in Canada.

Senator NEUBERGER. I would say this: I don't think any Member, and I don't say this in flattery—I don't think any Member of the United States Senate has done more to help another international commission with a better record, the International Fisheries Commission, to put in those great numbers of fish-passage facilities and staircases at Hell Gate, which revived the great sockeye run on the Fraser—you were more responsible for that than any other Member of Congress.

Mrs. Neuberger and I have been up there, and we are thrilled to see where that great landslide took place and the fish were shut off. Today there are just thousands, if not millions of sockeye going into the upper reaches of the Fraser, and there is this enormous fishery on Puget Sound, Vancouver Island, on the mainland of British Columbia, based on that run.

General McNaughton has come out for diversion. As we sit here today, Mr. Chairman, engineers are in the Monashee Range now to see where that tunnel can be drilled, and the only reason that General McNaughton hasn't been able to get the diversion through is, they point out in Canada, those 500-foot dams on the Fraser impounding the diversion would wipe out the sockeye.

But I am afraid on the day that the FPC licenses Nez Perce, and says that the 700-foot dam at Nez Perce will not wipe out the chinook runs, on the day that happens, General McNaughton will have a trump card in his hand for the diversion.

The CHAIRMAN. I have just recently come from Ottawa. I went up on another matter, but it was the development of the resources of the area in which you served during the war.

I happened to be in Ottawa the day they decided to go to the people for a new election, a lot of political excitement, and the last day of the session of Parliament.

There was a great deal of talk, perhaps as I was there, by members of Parliament and members of the Cabinet, that unless we could arrive at some plan and knew exactly what we were doing on this over-

all problem, that it could well become a political issue in this political campaign in the great western area. I think Mr. McNaughton has a lot of tools to work with, because of our failure to move on the storage problem, and be consistent in what we are doing, and our lack of a comprehensive plan.

I have a bill, S. 2847, on which there will be some testimony regarding a comprehensive plan. I suppose I will be accused of attempting to establish a new Columbia River Authority, or something of that nature, which is not at all correct.

Senator NEUBERGER. And a very good bill it is, if I am not mistaken.

The CHAIRMAN. There will be testimony here, I believe, that the general idea of your proposal could be incorporated in this overall bill.

Senator NEUBERGER. Mr. Chairman, I want to reiterate something you stressed a moment ago. I am not wedded to a separate bill. I am certainly not committed to the language in this bill. The goal I seek is this: if and when licenses are granted for these projects on our rivers in the Northwest, there must be some proper protection provided for these fisheries and wildlife values which will assure that they survive.

The CHAIRMAN. Would you agree with, me without coming to any conclusions on it, that the main problem involved here lies in the geographical area of the Snake and the Salmon and its tributaries?

Senator NEUBERGER. I would say that the main problem is involved first and foremost in the Salmon River, where some 60 or 65 percent of the whole spring chinook salmon run of the Columbia River Basin spawns.

Secondly, in the Clearwater River, another tributary of the Snake, where we have very valuable steelhead migrations, and then to some degree on some of the lower rivers in both our States—such as the Deschutes, the Cowlitz, and rivers like that—not as great in magnitude as the salmon and the Clearwater, but important nonetheless as possible downstream sanctuaries, if it is ever decided to try to move the fish run downstream as was done at the Grand Coulee into the Methow and the Wenatchee Rivers, which lie below Grand Coulee.

The main problem, I think first and foremost, is the Salmon River, the Imnaha, the Grande Ronde, and the Clearwater, all in the Little Snake.

The CHAIRMAN. So that the record is clear, because I want to assure the Senator from Oregon that I am going to make every attempt possible to continue the development of the dams on the lower Snake, namely, lower Monumental. I think it is high time, and the atmosphere looks like it is such that we might be successful. Would you consider that they pose the problem that is posed here with the present plans?

Senator NEUBERGER. Not to any of the degree at all that is posed by a dam like Nez Perce of some 700 or more feet in height.

The CHAIRMAN. These are low?

Senator NEUBERGER. These are low, and I think it has been demonstrated that low dams such as Bonneville and McNary are not a major obstacle to survival of the fish runs.

The CHAIRMAN. Are you satisfied that the plans for John Day will take care of the problem there?

Senator NEUBERGER. I am satisfied from my limited knowledge and from what I learn from people who do have wisdom and knowledge in this field.

The John Day plans will be equally as satisfactory as those at the Bonneville and McNary, because it is a dam similar in scope to those, and design.

We hope you will continue to have success in getting appropriations so the John Day Dam may be built, despite the opposite of the Budget Bureau to your efforts.

The CHAIRMAN. I want the record to show that when the Senator from Oregon mentions the Fraser River salmon resource, that I think we will all agree that since we have cleared that obstruction in the river we have found that the sockeye salmon have increased. The cooperation between United States and Canada under the treaty is being administered very well, and everyone is apparently quite well satisfied with the revival of the runs, and the method in which we are allowed to take them. It has become a great industry in Puget Sound and Canada.

Senator NEUBERGER. The success of the International Fisheries Commission is a pleasant contrast to the failure of the International Joint Commission to meet similar problems.

The CHAIRMAN. Maybe we ought to suggest an amendment to the act creating the International Joint Commission for Senate confirmation so that we might find out what these people think before they get on the Commission.

Senator NEUBERGER. I have a bill in for that purpose, and I think it would be an excellent thing to do.

The CHAIRMAN. I think the committee might pass it now. I cannot speak for them, but they might do it.

Senator NEUBERGER. That would be very welcome, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Neuberger. I think you have covered this very well, and you have done a service in pointing out what a lot of people do not realize is going on, and that is the Canadian trend.

Senator NEUBERGER. I think you are one of the comparatively few people in the position of national leadership who realizes just what this involves to us.

The upper Columbia River is one of our greatest resources, but if diversion takes place, it could be an absolute disaster. At Canal Flats, where the Columbia rises, they can divert the Kootenai with a steam shovel and do it for less than a million dollars, and virtually wipe out that river in the United States.

I want to thank you for the leadership you have always shown in this issue.

The CHAIRMAN. We have next Albert Day, the new head of the Oregon Fish Commission, well known to most of us here in Washington. We are glad to see you back in your old haunts.

**STATEMENT OF ALBERT M. DAY, DIRECTOR, STATE FISHERIES,
STATE OF OREGON**

Mr. DAY. Mr. Chairman, as you have stated, I am now director of the Oregon Fish Commission and very happy in my new job on the west coast. The commission requested that I appear here today in support of Senator Neuberger's bill, S. 3185.

This bill has been described, would further amend the Federal Power Act by requiring approval by the Secretary of the Interior of licenses issued by the Federal Power Commission for the construction of dams or other hydroelectric facilities in streams of particular importance to the fisheries. This proposal has wide support among fishery agencies of the west coast. At the completion of my own statement, I wish to present one on behalf of the Pacific Marine Fisheries Commission also urging passage of this measure.

The CHAIRMAN. State for the record what that is.

Mr. DAY. The Pacific Marine Fisheries Commission is a legal body created under the authority of an act of Congress, and under enabling legislation enacted by the States of Washington, Oregon, and California, for the purpose of promoting better utilization and conservation of the marine and anadromous fisheries over which the States have jurisdiction.

(The document referred to follows:)

PACIFIC MARINE FISHERIES COMMISSION,
Portland, Oreg., February 27, 1958.

Subject: S. 3185.

HON. WARREN G. MAGNUSON,
*Chairman, Committee of Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: This statement in support of the principles of S. 3185 is authorized by the executive committee of the Pacific Marine Fisheries Commission. The commission was created under the authority of an act of Congress and under enabling legislation enacted by the States of Washington, Oregon and California for the purpose of promoting better utilization of the marine and anadromous fisheries over which these States have jurisdiction and to develop a joint program of protection of such fisheries. During the 10 years of its existence the commission has focused primary attention upon the ocean salmon fishery.

It is obvious that S. 3185 would have a major influence upon the conservation of salmon runs. All of the Pacific salmon producing streams of the United States outside of Alaska lie within or traverse the aforesaid three member States. The construction of hydroelectric developments under license issued by the Federal Power Commission over the protest of the States has posed repeated threats to various important salmon runs in the past, and proposed developments present even more serious threats because of the damage which has already occurred. The States have been forced to expend considerable sums of money on research and investigations directed toward developing technical means of offsetting the harmful effects of projects constructed under Federal license. The litigation which has taken place in connection with this problem is a matter of public record.

With this background, the States have been confronted with an intolerable situation, in that their conservation agencies have a statutory responsibility to maintain and conserve migratory fish while a Federal agency, the Federal Power Commission, has exercised final and overriding authority in approving projects which seriously impair such migratory fish runs. The Federal Power Commission, through its licensing function, also specifies the technical details of the fish protective facilities and operations which the licensee may be required to provide. If the stipulations for fish protection which are included in licenses issued under the Federal Power Act do coincide with the specifications desired by the States and the Fish and Wildlife Service, it is not because of any statutory requirement and such conformity can be abrogated at any time.

From the standpoint of the Pacific Marine Fisheries Commission, S. 3185 if enacted, would be a major advance in assuring the perpetuation of the anadromous fish runs which the States and the commission are charged with protecting. However, if it is to yield its full benefits, there should be explicit provision for the States to participate in the project review along with the Fish and Wildlife Service. The following amendment would make such participation a part of the established procedure and assist the Secretary of the Interior in reaching a decision which would be based upon full and complete information.

Suggested amendment:

Line 9: Insert after the word Interior "and with the fish and wildlife conservation agencies of the States affected".

The executive committee of the commission, consisting of Mr. Richard S. Croker, Mr. Milo E. Moore and Mr. Charles W. Mahaffy, has requested Mr. Albert M. Day, Oregon State fisheries director, to act in its behalf in presenting to your committee this endorsement of S. 3185 with amendment as recommended above.

M. C. JAMES, *Research Coordinator*.

MR. DAY. An amendment to the Federal Power Act such as proposed herein cannot be considered as the establishment of a new precedent. On earlier occasions the Congress found it advisable to place restrictions upon the determinations of the Federal Power Commission to preserve valuable resources and protect other uses of public waters. The act of March 3, 1921 (41 Stat. 1353) prohibits the licensing of water control structures, transmission lines, or other similar works on any national park or national monument without the specific approval of the Congress.

Section IV (e) provides that licenses affecting public lands and reservations set aside for specific purposes shall "contain such conditions as the Secretary of the Department under whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservation."

That includes Forest Service areas, Indian reservations, and similar reservations.

The same section provides that no license affecting navigable waters of the United States "shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of War. The principle thus enunciated by earlier legislation would now be extended to provide for the approval by the Secretary of the Interior of licenses of waters of principal importance to valuable fishery populations.

THE CHAIRMAN. The difference there, and I think you would agree, the question of navigable waters is a pretty definitive thing with the Army engineers. It isn't so definitive with lawyers, but it is very definitive with the Army engineers. Whereas the question posed as to whether or not something is detrimental to the conservation of migratory fish or game becomes, sometimes, a very highly controversial question. There is always two sides to it, so I believe that there is a difference.

MR. DAY. Yes.

THE CHAIRMAN. The thought you convey is that there is ample legislative precedent to having someone review the right or authority of someone to issue a license.

MR. DAY. The Congress in previous determinations has found that the power facilities can not invade a national park without the consent of Congress. This bill would establish or enlarge that same principle in that Congress would provide an additional check rein on the

determinations by the Commission. That is the point I was attempting to make.

Conservation agencies face an uphill battle in their efforts to preserve the salmon and steelhead runs of the Columbia River. This great natural resource has long supported a \$17 million a year industry. It has been one of the important segments of Oregon life since the days of John Jacob Astor. S. 3185 would be an important aid in insuring the perpetuation of the resource for the future.

The Congress has long recognized the problem of conflict between fish and dams on the Columbia River system. Research into fish passage means and methods has been conducted for many years by the United States Fish and Wildlife Service, and the States of Washington, Oregon and Idaho. Fish ladders and passage facilities have been installed by the construction agencies at all of the major obstructions with the exception of Grand Coulee, and there the runs were transplanted, as has been brought out previously.

In addition, a large program of hatchery construction, stream clearance and replanting of runs was inaugurated in 1949 through special congressional appropriations which have provided a cooperative program among the Corps of Engineers, the Fish and Wildlife Service and the three States involved. Since then a total of approximately \$21,500,000 has been spent for this purpose.

New hatcheries have been built; old ones have been rehabilitated; improvements have been made on tributary streams in the lower reaches of the river and much research into the intricate problems involved has been carried on. These actions have been taken to mitigate losses arising from structures on the lower river.

The runs of salmon and steelhead have, so far, held up quite well. Escapement of the spring and summer runs of chinook salmon have, in fact, shown a recent increase, as Senator Neuberger pointed out. Enough fish have been able to negotiate the relatively low dams on the main stem of the Columbia to make this possible.

The CHAIRMAN. Let's have the record on this generally. Do I understand from this part of your statement that you feel that what has been done on the Columbia, with the building of dams, the methods used, have been generally satisfactory in the preserving of the salmon run?

Mr. DAY. They have been so far in the spring runs of the chinook salmon in particular, which are the upriver runs. The spring chinook have been able to negotiate these relatively low dams of approximately 100 feet on the main stem of the Columbia, and enter the Snake, the Salmon, the Innaha, the Clearwater, and other tributaries.

The CHAIRMAN. We have a number of years of experience behind us in the spring runs, and I will limit it to that. If they are getting upstream, they must be getting down.

Mr. DAY. That is right, and there has been some increase in the spring run of chinook in the past few years. It has been quite encouraging.

The CHAIRMAN. And that is despite, I think you will agree with me, many other factors other than just the dams, themselves, that might cause the depletion of salmon runs. Civilization moves in and fish are confronted, every day, with a different problem.

Mr. DAY. The commercial fishery has been able to maintain itself during the past few years at about the same level, the sport fishery the same, which would seem to indicate that that is the case.

The CHAIRMAN. What about the fall runs? I think the record ought to get the benefit of your experience on the other runs.

Mr. DAY. The fall runs have not been holding up as well as the spring. In fact, the people have been carrying on much research, all we can finance, to find out the reasons for it. The fall runs largely utilize the Columbia River and its lower tributaries.

The CHAIRMAN. How much have they declared—do you have a general figure? We will get the actual figures for the record later.

Mr. DAY. I would have to be tied down to this, but probably as much as 15 to 20 percent.

The CHAIRMAN. We will get the figures for the record. Can the Fish and Wildlife Service get those figures for us?

Mr. DAY. I can fill that in from 1928 to 1948, the Columbia River catch averaged 12 million pounds. Since 1948 there has been a steady decline, so that from 1952 to 1957, the catch has averaged about 3 million pounds.

The CHAIRMAN. All right.

Mr. DAY. The chief problem now centers—

The CHAIRMAN. John Day Dam is on its way, I hope, to be built. Will the same practices and methods be used on John Day as have been used on the other lower dams that in your opinion has helped keep or at least sustain the spring runs?

Mr. DAY. The John Day is 102 feet, The Dalles Dam is 86, the Bonneville is 59. For these lower river dams of approximately 100 feet, the success of the runs so far seems to indicate that they are negotiating the lower dams with existing facilities. Just how many dams they can negotiate eventually no one knows.

The CHAIRMAN. Are you satisfied that Ice Harbor, the plan for Ice Harbor will be adequate? Of course, that is not built yet.

Mr. DAY. Ice Harbor is approximately 100 feet, and fish passages are planned for it.

The CHAIRMAN. In line with the same general type of construction that they have on the other.

Mr. DAY. In general, that is correct.

The CHAIRMAN. There are some changes? I imagine at some of these places they try out different methods.

Mr. DAY. Yes, there has been a great deal of research in the passage of fish, particularly the upstream migrants.

The CHAIRMAN. Do you have anything to say as to why the other runs, other than the spring runs, are in your opinion declining?

Mr. DAY. I don't know that.

The CHAIRMAN. The research hasn't been conclusive enough yet?

Mr. DAY. I think not.

The chief problem now centers around the various proposals to construct high dams which would eliminate valuable spawning grounds on the lower and middle reaches of the Snake River. According to the preliminary estimates of biologists of the staff of the Oregon Fish Commission, 55 percent of the spring and summer chinook salmon and 60 percent of the spring and summer steelheads entering the Columbia River each year are destined for the Snake

River and its tributaries. These runs are the backbone of the important spring and summer commercial river fishery. Any substantial reduction in the numbers of these fish would seriously reduce or possibly eliminate that fishery.

While the fall chinooks largely utilize the lower reaches of the Columbia River, about 20 percent do enter the Snake and about 5 percent of blueback salmon also find suitable waters on its tributaries.

Any high dam which will obstruct the passage of fish into the Snake and its important tributaries, the Salmon, Clearwater, Grande Ronde, and the Imnaha, will have a disastrous effect upon the commercial and sport fishery of the Northwest.

Fishery biologists and engineers have been making desperate attempts to find solutions to the fish passage problems and have been quite successful on those dams which range up to 100 or so feet in height. For high dams where reservoir fluctuations will vary as much as hundreds of feet, the fish passage problems have not been solved and there is grave doubt in the minds of most experts on the subject, that they can be successfully solved. At two high dams, devices known as skimmers are now about ready for testing. These are designed to collect the downstream migrating fingerlings and divert them into safe passages around the structure on their way to the ocean. Advocates of high dams, I may say are much more optimistic about the success of these as yet untested contraptions than are fishery biologists.

For these reasons the Oregon Fish Commission heartily endorses S. 3185 as it would provide one additional assurance that fishery interests would be guaranteed full consideration when applications are being considered by the Federal Power Commission.

The Commission wishes to suggest a slight amendment which would require the Secretary of the Interior to consult with the various States involved as well as the Fish and Wildlife Service before approving projects. This, we believe, would further strengthen this legislative proposal.

The CHAIRMAN. Would you make that mandatory, or just—would you make it mandatory or make it permissive?

Mr. DAY. I have talked to some of the other State administrators and we feel that the States have a responsibility in this matter on an equal basis with the Fish and Wildlife, and that their views should also be considered by the Secretary.

The CHAIRMAN. Now, let me ask this problem. Supposing the Federal Power Commission says we want to issue a license, and the Fish and Wildlife Service says we believe this license will be detrimental to the conservation of migratory fish and game?

Neither one of them gives, then what happens? Nothing?

Mr. DAY. Either that, or it would probably reach the Congress for settlement.

The CHAIRMAN. How could it reach the Congress, unless we took initiative and directed one or the other to proceed?

Mr. DAY. Legislation would probably be sought by one side or the other. There must be precedent, however, because the Corps of Engineers must have faced that same problem on navigation matters.

The CHAIRMAN. Yes; I think there has been an impasse there on several occasions, but we have been fortunate to be able to work it out over a period of time.

Mr. DAY. I feel these things can be worked out. Certainly the Secretary of the Interior, with the long experience that he has had in the construction of hydroelectric facilities, irrigation facilities, and all, would adopt a reasonable attitude in cooperating with sister agencies.

The CHAIRMAN. That might depend on the Secretary of Interior at the time. There have been times when I thought some didn't use a reasonable attitude. This problem is so controversial, in so many cases, that you might run into an impasse where nothing would be done, unless Congress stepped in and took the initiative and introduced legislation directing one side or the other to move.

Mr. DAY. Of course, that has already happened in connection with the park controversy on the Colorado River.

The CHAIRMAN. We understand now that you are discussing the matter of proposals that are now in being or in the future for the upper, lower, and middle reaches of the Snake River?

Mr. DAY. My testimony centers largely around the Snake and its tributaries.

The CHAIRMAN. I want the record to be clear it is not the lower reach you are talking about. You are satisfied that the plans for the construction of the dams, specifically Ice Harbor or lower Monumental, or Little Goose, would not be detrimental?

Mr. DAY. I am talking about high dams that would probably obstruct the passage of fish into the Salmon, the Imnaha, the Grande Ronde, and the Clearwater.

The CHAIRMAN. But generally speaking, insofar as you know, the plans for the dams on the lower Snake, Ice Harbor, now under construction, and the others proposed, that would not interfere with what you are suggesting here?

Mr. DAY. I am not as familiar as I should be with the location. If they are below the ones that I mentioned——

The CHAIRMAN. They are between Lewiston and the mouth.

Mr. DAY. Lower Granite, lower Monumental and Ice Harbor are all below the Clearwater.

The CHAIRMAN. They are the dams that run right up to the Idaho border, one being in the process of construction, namely Ice Harbor.

Mr. DAY. I have a short statement also that I would like to present for the Pacific Marine Fisheries Commission. I have already told you what the Commission consists of. Here is the statement signed by Mr. C. James, research coordinator.

It is obvious that Senate 3185 would have a major influence upon the conservation of salmon runs. All of the Pacific salmon producing streams of the United States outside of Alaska lie within or traverse the aforesaid three member States. The construction of hydroelectric developments under license issued by the Federal Power Commission over the protest of the States has posed repeated threats to various important salmon runs in the past, and proposed developments present even more serious threats because of the damage which has already occurred.

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From the standpoint of the Pacific Marine Fisheries Commission, S. 3185, if enacted, would be a major advance in assuring the perpetuation of the anadromous fish runs which the States and the Commission are charged with protecting.

However, if it is to yield its full benefits, there should be explicit provision for the States to participate in the project review along with the Fish and Wildlife Service. The following amendment would make such participation a part of the established procedure and assist the Secretary of the Interior in reaching a decision which would be based upon full and complete information.

Suggested amendment:

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That, sir, completes my testimony.

The CHAIRMAN. I would like to get the benefit of your opinion on another matter directly related to this whole problem of fish conservation. We can build all the fish ladders and spend all the money that we have spent, and I must say that it should be clear to everyone that there has been millions of dollars spent to preserve the fish run.

It has cost millions. We do all that, and do all the things we are talking about here, and it will be to no avail unless we preserve the fish out in the ocean, isn't that correct?

Mr. DAY. Yes, they spend half or three-fourths of their lives or more in the ocean.

The CHAIRMAN. Now, if unrestricted fishing is allowed on the high seas, wouldn't that effect the salmon runs on the whole American Continent from the Columbia to the Alaskan waters?

It is unrestricted now, up to the 175th parallel.

Would it be your best opinion that if research was conclusive, or near conclusive that much of the North American stock roamed during its years at sea, 3½ or 4 years, far beyond the 175th parallel, that we had better do something about the fishing out there, or a lot of this will be to no avail.

Mr. DAY. Yes, sir.

The CHAIRMAN. And I presume that your group and the Pacific Fisheries Commission are quite concerned about that; are they not?

Mr. DAY. That is right.

The CHAIRMAN. And I presume you are also concerned about it, because the fish and wildlife, and you participated in this on many occasions, must make some regulations for Alaskan fisheries pretty shortly.

Would it be also your opinion, unless we can get some sort of a truce, or a twilight zone, until we know exactly where our fish go for those number of formative years, that we might run the prospect of depleting our runs regardless of what we do?

Mr. DAY. I would like to see this problem resolved as soon as possible, and if a truce could be arranged in the interim, it would be most helpful.

The CHAIRMAN. Well, it is possible if we all insist on it. I made quite a talk on it yesterday on the Senate floor. I know that I have strong support. I hope that you people, as you realize there is a problem there, and I think it is very serious, do everything you can to achieve that end. I should think the Japanese would be willing, because in the long run it is going to hurt everybody, if we don't know what we are doing up there. We can sit here for days and days and spend millions of dollars and do all the talking we want and we might find there would be no fish coming back at all if this continues.

Mr. DAY. There have been strange things happening to fish runs that no one can answer, and recent evidence points to increasing pressures from the source you mention, which may have considerably more bearing than we suspected in the past.

The CHAIRMAN. I think you do know, and other people with similar positions on the Pacific coast, last year by their own count the Japanese took 55 million fish out of an area in which I think the evidence is conclusive many of our fish are, and as they have upped their take, since the treaty, our runs have declined. I would think that would be somewhat conclusive evidence—it isn't a coincidence, year after year.

Mr. DAY. No; the evidence looks very disturbing.

The CHAIRMAN. I wanted to say that, because I hope the Japanese, who continually say, as you know, that they have no desire to take North American stock, and we have no chance to take Asian stock, because we don't fish out there, so therefore they should be willing to say we will call a halt on this for the time being until we know exactly what we are doing.

If your institute could convince the Canadians of the problem, too, I think it would be helpful. Under the treaty procedures, we were blocked to open that up, because the Canadians sided in with the Japanese on the basis that the evidence was not quite conclusive enough, but in those hearings in Seattle with which you are familiar, I think that the evidence from everybody concerned was more than conclusive, and I hope that when you go back you will do what you can, I know you people will, to see if we can't call a halt for awhile until we see where we are going.

Mr. DAY. We will certainly do everything we can in that area.

The CHAIRMAN. We might sit here and do all of this for naught, if wanton unrestricted fishing goes on in that area.

Mr. DAY. I assure you if the salmon runs on the Columbia are lost, either through high dams which block the upper spawning grounds,

or through any other cause, whether it be Japanese or other means, the future generations are going to look at some of those expensive fish ladders and say "What in the world are those things?" If there are no fish in them, our own generation will be made to look pretty silly.

The CHAIRMAN. I want to ask one more question. There have been suggestions, because of the millions that have had to be spent on the dams, because of the fish problem there has been some suggestion that if we had spent that money in a hatchery program, we might have produced just as many fish.

What is your opinion on that?

Mr. DAY. I think hatcheries are an essential supplement. I doubt that hatcheries will ever take the place of mother nature, and we are finding troubles in hatcheries. When you concentrate millions of fish in ponds that are handled artificially with human errors, and the diseases that can be aggravated by concentrations, and also the feeding problems, I don't think that hatcheries will ever take the place of nature. I think we need them as a supplement, but I would hate to see the fishing resource ever become dependent completely on hatcheries.

The CHAIRMAN. Could we put more emphasis on the hatchery program in the overall program than we do now, or is the cost too great?

Mr. DAY. I think there is still some opportunity for additional hatcheries. One of the problems is finding suitable sites, suitable water, suitable temperatures, free of pollution. They are not easy to locate.

The CHAIRMAN. But the field of fish farming has become a little better known that it did years ago, hasn't it?

Mr. DAY. Much better, but that is hardly the same thing as the hatchery program.

The CHAIRMAN. Could we take a lake below a dam and fix it up so that we might farm millions of salmon there and send them downstream?

Mr. DAY. It is possible those lakes could be improved with fertilization and farming methods applied to water—it has been done in pond fisheries in the South for years. There has been great significant increase in production through fertilization.

The CHAIRMAN. Dr. Donaldson thinks we can.

Mr. DAY. There are a lot of people who think we could go farther than we are doing at present.

The CHAIRMAN. We might help even increase the runs, and isn't that a little less—much less expensive if it can be done, I don't know, than the hatchery program, itself?

Mr. DAY. We haven't gone far enough that I would feel free to answer as to whether it is less expensive. We initiated a fertilization experiment in Alaska lakes that had natural runs, trying to find out what we could do with phosphates and other minerals, things that would increase plant growth. I haven't followed it lately, but my impression is that it hasn't gone far enough for conclusive evidence. I think there is no question—

The CHAIRMAN. Such as we suggested, but if that experiment turns out all right, wouldn't that be a ray of hope that instead of the pure hatchery, as we know it, we might be able to implement these runs by what I call fish farming?

Mr. DAY. I think there's possibilities in that.

The CHAIRMAN. For sport and commercial fishing—there is plenty—not plenty, but there are quite a few sites, I understand, that look likely for this particular field.

Mr. DAY. Your own State of Washington has done an outstanding job in a very closely related field of fishery management. That is, going in and poisoning out the lakes and removing all of the trash fish, which in effect, is fertilization, because it leaves what food is left for the species that you wish. Washington has done a fine job in the production of trout in those lakes.

The CHAIRMAN. Could that be done—well, I know you can't give a conclusive opinion, but do you think it can be done for salmon?

Mr. DAY. It might for sockeye, which spend 2 to 3 years in lakes. It would be hard to do it in a river.

The CHAIRMAN. But it does open up a new field for us?

Mr. DAY. Yes, absolutely, and it is something that needs to be looked into.

The CHAIRMAN. From talking to Mr. Pautzke, he thinks it might be done inexpensively. Dr. Donaldson thinks it can be done.

Thank you very much. We appreciate your testimony.

Mr. DAY. I have enjoyed talking to you again, sir.

The CHAIRMAN. I understand that Alan Paine has to catch a plane, so I will be glad to continue on and hear from you now. Mr. Paine is from Spokane, Wash.

Mr. PAINE. One of your constituents.

The CHAIRMAN. One of my constituents, so I have to accommodate him. It is a pleasure to do so, however.

Mr. Paine represents the Washington Water Power Co., the Pacific Power & Light, P. G. and E., and the Montana Co., and their views on this matter. We will be glad to hear from you.

STATEMENT OF ALAN G. PAINE, SPOKANE, WASH., ON BEHALF OF THE WASHINGTON WATER POWER CO., PACIFIC POWER & LIGHT CO., PORTLAND GENERAL ELECTRIC CO., AND THE MONTANA POWER CO.

Mr. PAINE. Mr. Chairman, as you pointed out, I am here representing the four power companies in the Northwest; the Pacific Northwest, where these companies are located, is primarily a hydroelectric power area. Practically all the power in the area is hydroelectrically generated, either in United States Government plants, such as Grand Coulee and Bonneville, municipal plants such as Tacoma and Seattle, plants of the public agencies, such as the Rock Island plant of the Chelan Public Utility District and the Priest Rapids plant of the Grant County Public Utility District, privately owned, federally licensed plants such as the Pacific Power & Light Co.'s Ariel and Yale plants and privately owned but not licensed plants, such as the Washington Water Power Co.'s Spokane River plants, with a total peak capability of 10,700,000 kilowatts.

The economy of the Pacific Northwest is thus based on low cost hydroelectric power and the citizens of the area, as well as the companies I represent, are vitally interested in the continued development

of hydroelectric power. It is estimated that there is still undeveloped hydroelectric resources in the area of 9,600,000 kilowatts.

The present law, the Federal Power Act, creates the Federal Power Commission and gives to it the duty to determine what and to whom licenses for powerplants shall be granted. The Federal Power Commission is made an independent, nonpartisan Commission, responsible only to Congress. The orders of the Federal Power Commission are appealable to the courts and subject to reversal if improperly made. The proposed bill, Senate bill 3185, seeks to restrict the powers of the Federal Power Commission by adding the following proviso to section 4 (e) of the act, which authorizes the issuances of licenses, to wit:

And provided further, That no license shall be issued until the plans for the project have been approved by the Secretary of the Interior, after consultation with the Fish and Wildlife Service of the Department of the Interior, as not being detrimental to the conservation of migratory fish and game.

The companies I represent believe such a proviso is unnecessary, wrong in principle and will hinder and delay the best development of our waterways. Section 803 (a), title 16, United States Code Annotated, Federal Power Act, section 10 (a), provides as follows:

All license issued under sections 791-823 of this title shall be on the following conditions:

(a) That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes, and if necessary in order to secure such plan the Commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval.

Section 4 (c) of the Federal Power Act (sec. 797, title 16, U. S. C. A.), directs and authorizes the Commission as follows:

To cooperate with the executive departments and other agencies of State or National Governments in such investigations; and for such purpose the several departments and agencies of the National Government are authorized and directed upon the request of the Commission, to furnish such records, papers, and information in their possession as may be requested by the Commission, and temporarily to detail to the commission such officers or experts as may be necessary in such investigations.

I might interpolate that section 18 provides as follows:

The Commission shall require the construction, maintenance, and operation by a licensee at its own expense such fishways as may be prescribed by the Secretary of the Interior.

And the courts have construed that to be mandatory.

The CHAIRMAN. That has been done in many cases.

Mr. PAINE. In many cases, as I shall point out to you.

The Commission has consistently construed "other beneficial uses including recreational purposes" to include both commercial and sports fishing. The Commission's rules of procedure provide for hearings on all license applications after full notice and opportunity for intervention by States, municipalities, and all other persons whose participation is in the public interest. This includes the Secretary of the Interior who may intervene not only on behalf of fish and wildlife interests but also on behalf of reclamation, recreation, public land management, and other resource uses within his jurisdiction. In other cases, the Secretary of the Interior, under section 4 (c) of the

act, provides comments with respect to any problems within his jurisdiction and in virtually all cases, the Secretary's comments are adopted as part of the license.

It has required licensees to spend very large sums of money to protect the fish interests in the construction of licensed projects. As an example, in the case of Cowlitz project, the city of Tacoma, the cost of fishhandling facilities was estimated at \$7,100,000, involving elaborate plans for the transportation of fish to their spawning grounds. In a court action these requirements by the Federal Power Commission were held by the Ninth Circuit Court of Appeals to be both proper and adequate. (*State of Washington, Department of Game and Fish v. Federal Power Commission*, 207 F. 2d, 391).

A typical requirement in a license from the Commission is one such as in the license to Portland General Electric Co. for the Pelton Dam in Oregon, as follows:

ART. 32. The licensee shall submit for Commission approval detailed plans of fishery facilities described herein as part of the project and shall construct such facilities simultaneously with construction of the power facilities in such manner that populations of anadromous fish will be maintained during the construction period and thereafter.

ART. 33. In preparing plans and construction schedules for fishery facilities the licensee shall consult and cooperate with the United States Fish and Wildlife Service, Department of the Interior, and the Fish and Game Commissions of the State of Oregon.

I think the last speaker was from Oregon, and as you see, the Federal Commission has required the licensee to consult with that State commission.

Article 34. The license shall negotiate with the fish and game commissions of the State of Oregon with respect to the amount the licensee shall pay each year to defray a reasonable portion of the operation and maintenance costs of the fishery facilities to be provided under this license. Should the licensee and the State agencies fail to agree on the amount to be paid by the licensee for such purposes, the commission reserves the right to determine the amount of this annual payment after notice and opportunity for hearing.

The present bill would change this fundamental concept of a non-biased, disinterested commission passing on the conflicting claims of divergent groups, and place the responsibility on the Secretary of the Interior to pass on the necessity and priority of the proposed project solely from the point of view of its effect on migratory fish and game.

If independent commissions are to function at all, they must be free from control by political appointees and the executive branch of the Government. In effect, the Secretary of the Interior is give a veto power over the Federal Power Commission and he is directed to exercise that veto power, not on an overall basis, namely that the plan adopted by the Federal Power Commission is not for the best development of the waterway, but solely on the basis "that the plan is or is not detrimental to the conservation of migratory fish and game." Thus, fish and game become of prime importance and outweigh all other uses of the river. I, too, like to fish for steelheads and to eat salmon, but I like, also, electric lights, heat and power, and the things they can provide for us.

Finally, the language of the bill is so extremely broad that any conscientious Secretary of the Interior attempting to follow it would end up by disapproving any more dams in streams with migratory fish. I believe there is no doubt, in any fish biologist's mind, that any dam for hydroelectric purposes is, to a degree, detrimental to migratory

fish. Some fish just don't get over or around the dam and many fingerlings die in the return to the sea. But the proper criteria should be, not does the dam create some detriment to fish, but whether the other benefits so far outweigh this detriment that the project is justified in the best interest of all concerned. That question shall not be decided by a Bureau of a Department of the Interior, which is biased, in advance, in favor of the conservation of fish, but should be decided, as it is now, by a disinterested, nonpartisan body, whose order may be appealed to and corrected by the courts.

The requirement in the act for approval of plans of the dam by the Corps of Army Engineers and Secretary of the Army on any navigable stream as to the navigation features before a license may issue is in no way comparable to the veto power given the Secretary of the Interior in this proposed legislation and is not a precedent for such amendment.

It is similar to a situation of a building code requiring a city engineer to approve the basic standards in construction as against a requirement that no house may be built if trees or plants are damaged thereby.

One is in furtherance of the requirements of good construction, while the other is diametrically opposed to any construction.

Now, Mr. Chairman, if I might digress for moment, I was present this morning when the distinguished Senator from Oregon made his statement as the father of this bill, to which he says he is not wedded, and there are a couple of comments—

The CHAIRMAN. He says he is not wedded to the language.

Mr. PAINE. I didn't know whether that made the bill illegitimate or not.

The CHAIRMAN. Most bills achieve some cloak of legitimacy once introduced in the United States Senate.

Mr. PAINE. I assume that was equivalent to the benefit of clergy.

First I would like to comment briefly on this argument in regard to the Canadian situation. It seems almost inconceivable to me that the great Dominion of Canada is going to make so fundamental a decision as to whether or not to develop the Fraser River for power purposes, or to keep it for salmon purposes on the basis of what any examiner or expert may testify to, be reported as making a finding before the United States Federal Power Commission.

Canada is presently interested, I assume, in the salmon fisheries in the Fraser, and before Canada destroys those salmon fisheries, I, for one, have no doubt whatever that the Canadian experts will advise the Canadian Government as to when they can get salmon over the proposed dams in the Fraser River. The mere fact there is inconsistency between the examiner of the Federal Power Commission and the United States is going to control the action of Canada seems to me to place the Canadians in a position of people of small intelligence. They are going to pass on that fundamental problem as we would.

We are not going to destroy our salmon fisheries or power facilities because somebody in Ottawa made a report to some commission in Canada, and it seems to me that is considerably beside the point.

If this bill had been in effect at an earlier period, I would like to ask the Senator from Oregon whether it would have stopped the building of the Cowlitz Dam for the city of Tacoma, stopped the building

of the Pelton Dam by Portland General Electric Co., both of which dams, without any question, have a detrimental effect upon migratory fish.

Does the Senator now believe that those dams should be stopped, and the dams taken out of the river in order that the fish can go up the Cowlitz and the Pelton?

We have the problem, it seems to me, Mr. Chairman, of the overall problem. We know that salmon are important. We have filed a petition with the Federal Power Commission in relation to the denial of our licenses for Mountain Sheep and Pleasant Valley, in which we take that Commission rather severely to task because their views in regard to the fish at Nez Perce—but we don't feel because the Commission's views on that subject differ from ours that the fundamental law should be changed to fit that particular situation.

Next week you may have a Secretary of the Interior who renders a decision that a dam shall be built, and Senator Neuberger will disagree with it. Is he going to come in and ask Congress to take the power away from the Secretary of the Interior and give it to the Secretary of Agriculture, because he thinks the Secretary of Agriculture is more interested in fish?

As the chairman pointed out, you don't have the right to confirm the members of the International Joint Commission, but the Senate does have the right to confirm the appointees to the Federal Power Commission, and if it is important to the Senate to find out their views on fish preservation as against power development, the opportunities are always there for that purpose, and that is why it is an independent Commission.

The CHAIRMAN. Of course the opportunities are there, but sometimes what they say when they are up for confirmation and what they do after they are confirmed seem to have little connection.

Mr. PAINE. I wouldn't want to be facetious, but the people say that is true of all politicians before and after election.

The CHAIRMAN. As politicians, we have to go back and make an accounting, occasionally.

Mr. PAINE. That is true, they come back every so often.

The CHAIRMAN. They come back once in a while.

Mr. PAINE. The term ultimately expires.

The CHAIRMAN. The average reappointment runs about 15 percent up here.

Mr. PAINE. The same is true of the Secretary of Interior, they may change every 4 years. You may have a new Secretary of the Interior next time who takes a different attitude.

The CHAIRMAN. You point out, and rightly so, that the Federal Power Commission allows the Secretary of Interior to intervene in these cases, but what if you have a Secretary that decides not to intervene; then where is the public interest?

Mr. PAINE. If the executive branch of the Government falls down in the functions of carrying out the purposes for which it is set up, that does present a real problem to the Congress.

The CHAIRMAN. I appreciate that is the philosophy that would be in direct relation to the philosophy of the Secretary of the Interior, but you and I would disagree, I am sure, or we did on the Hells Canyon case, but the truth of the matter is not talking about the merits

that we had one Secretary of Interior who vigorously intervened in that case, and then the new one came in and he immediately dropped the whole thing. Then the people interested had to go out and, under great difficulty, form an organization, get a little piddling money here and there, and try to make a case, which I think was in the public interest. You may disagree on that.

But here is a case where one Secretary did and one Secretary did not.

Mr. PAINE. That is why I say you don't solve your problem to give him the power to say which dam shall or shan't be built. Senator Neuberger said he was much in favor of Hells Canyon, which, according to him, would completely destroy the salmon on beyond the high Hells Canyon; yet he was critical of delay in putting in fish facilities at Brownlee, which, had the high Hells Canyon been built, would have been utterly destroyed. It all becomes a relative matter of what is most important.

The CHAIRMAN. I don't think the evidence on the high Hells Canyon is such.

Mr. PAINE. If you can get fish over high Hells Canyon, you can get it over the Nez Perce, and then this whole bill is meaningless.

The CHAIRMAN. I do not know what the plans are. The Nez Perce proposition is still in the future. No one has filed as yet, but I think in that particular case there was pretty much general agreement, right or wrong, or conclusions, rather, that the Hells Canyon plans for the high-dam storage would be not more affected than some of the other dams. We don't want to belabor that point here.

Now, I am in somewhat agreement with you in the general conclusion, but this is what bothers me as a practical matter about this proposal. There could be a complete impasse here between two departments, and nothing would be done at all.

Mr. PAINE. It seems to me that the impasse would be that, unless the Secretary of the Interior gave approval to the dam, there would be no dam. The conflict would be resolved by the action of the Secretary of the Interior. We think that is wrong, fundamentally we think the final problem—if Senator Neuberger—

The CHAIRMAN. You would have a complete standoff.

Now, would you approve of legislation that would make it mandatory that the Secretary of Interior intervene in these cases?

Mr. PAINE. Why, I don't see any objection to it. I think, as far as I know, maybe with one exception, in which you pointed out, the Secretary didn't intervene primarily because he was satisfied with the result as to where he was going. I don't think, if you mean the Secretary should intervene in opposition to a request for a license—of course, it shouldn't be mandatory. The Secretary would intervene only in the event he felt that the granting of a license was detrimental to the fish interest in such a way that it became more important to preserve the fish than it did to develop the power, and I think the language—

The CHAIRMAN. In that case, it would be your opinion that he should step up and say so?

Mr. PAINE. That is right, and I am sure if he believes that, he will; even under the present act the Secretary that didn't intervene probably didn't believe that.

The CHAIRMAN. In some instances they haven't because as of now it is permissive, only.

Mr. PAINE. That is right, but if he has strong convictions that it is going to be detrimental, I am sure he would appear.

The CHAIRMAN. Of course. I think that you, and the groups you represent, many of whom I know and know well, will agree with me that the basis of our economy in that area is low-cost power. However, fish and game are of prime importance and we are trying to have fish, game, and power. I think you will agree with me, that in most cases there is a possibility that we can have fish, game, and power.

Mr. PAINE. I would have no objection. I think the group I represent would have no objection to spell out a little more clearly in the law, if it isn't so spelled out now, that the Federal Power Commission should not grant a license for a project if it found that the fish interest to be destroyed or hurt by the project were of greater value than the power resources that could be developed. There is no question in my mind about that.

The CHAIRMAN. That is where the fat gets into the fire.

Mr. PAINE. Well, somebody has got to weigh these two great things we have got to have in the Northwest. We want our fish and we want electricity, but as I see this bill, this takes it out of that realm and says to the Secretary of the Interior, "Don't approve this dam if it is in any way detrimental to migratory fish and game."

Nobody said a word about the game, but the only real damage you can do to game is to drown out a little pastureland, which could be provided for, but it would be detrimental to them. Is the dam to be stopped because a deer has a few less acres to graze upon?

The CHAIRMAN. Well, I think probably the author of the bill, and the proponents, would suggest language that would not pose that literal interpretation on the word "detrimental."

Mr. PAINE. If I were to interpret this act, once it has been in, or the courts, what discretion has the Secretary of Interior got?

The CHAIRMAN. Well, the Secretary of Interior could be very arbitrary in this matter, there is no argument about that. The Federal Power Commission can be arbitrary, too.

Mr. PAINE. That is right, but if in the next administration Senator Neuberger should be promoted to Secretary of the Interior, we might not get very many dams if the fish were hurt. My feeling is that a nonpartisan, disinterested commission is fundamentally better able, in the long run, to make those sort of decisions.

The CHAIRMAN. Well, if they would in every case take into account all the factors involved, but there are some—I would speak for myself, because I am hearing this bill—there are some who feel they have at times been very arbitrary. We, of course, have a lot to do with them in this committee.

Generally, you agree with the principle, do you not, and I am sure your groups do—as I say, I know all of them fairly well—on the general objective that we ought to try here to work out some comprehensive plan for the river that will involve the best interests of the fish and wildlife, where possible, and the best interest of a comprehensive development, public and private?

Mr. PAINE. That is right, and that is why we were disappointed we didn't get Mountain Sheep and Pleasant Valley.

The CHAIRMAN. I was very much in accord with the decision of the Power Commission, I am not often in accord with them, but this time I was. That is neither here nor there in this matter, but I do think—and I will say it again—and I have said it on many occasions in the area, that I think the most discouraging thing we do out there is to get into arguments about who builds dams. As long as we have to get low-cost power, we should avoid these endless arguments about the development of the whole comprehensive resource. Surely there should be some areas of agreement where we can preserve our valuable fish run and still have our low-cost power, not in all cases, but at least to a great extent. We have the greatest resource in the world there, but it involves many facets.

I think we can come out with something.

Mr. PAINE. I heartily say "amen, I agree."

The CHAIRMAN. There are many things that can be done, and the private power groups, I assume, would be perfectly willing to enter into any general area of agreement to accomplish these things.

Thank you very much, Mr. Paine.

Now, it is a quarter to 1, so we will meet again at 2:55.

(Whereupon, at 12:40 p. m., the committee adjourned, to reconvene at 2:55 p. m. of the same day.)

AFTERNOON SESSION

The CHAIRMAN. Come to order.

We will continue with witnesses on 3185.

Is Mr. Paul here?

We will be glad to hear from you.

Mr. Paul is the executive secretary of the Sport Fishing Institute, Washington, D. C.

Mr. PAUL. Thank you, Senator.

STATEMENT OF ROBERT M. PAUL, EXECUTIVE SECRETARY, SPORT FISHING INSTITUTE

Mr. PAUL. The Sport Fishing Institute was organized in 1949 by a group of farsighted fishing tackle manufacturers. The institute was organized in an effort to help fishing and fishermen. It was set up as a fish conservation agency, not as an organization aimed at promoting the sale of tackle.

Over 180 associations and manufacturers of fishing tackle, fishing accessories, outboard motors, boats, trailers, sporting goods, and chemical, glass, cork, paper, and metal products, used directly or indirectly by anglers, now contribute funds to the institute. Their contributions are the major source of income.

However, a larger and growing number of other small businesses and individuals contribute token funds to the organization as well.

The Sport Fishing Institute is a nonprofit, nonstock, scientific organization incorporated under the laws of the District of Columbia. Its corporate purposes are:

(1) to promote and assist in the conservation, development, and wise utilization of our national recreational fisheries resources;

(2) to advance and encourage the development and application of all branches of fishery research and management;

(3) to collect, evaluate, and publish all information of value to advance fishery science and the sport of fishing;

(4) to assist existing educational institutions in the training of personnel in fisheries science and management;

(5) to encourage a wider participation in sport fishing through the distribution of information pertaining to its health and recreational values; and

(6) to assist and encourage cooperative effort between all existing conservation organizations.

The Sport Fishing Institute is extremely interested in two of the bills being heard today. The hearings on another bill we have consistently supported, the amendments to the Coordination Act, have been postponed.

The CHAIRMAN. I might say for the record, I am glad you mentioned that.

Senator Watkins, the author of the bill, called me, I believe it was Wednesday, and suggested we postpone the hearings on that bill for at least 2 weeks. He said that there appeared to be a good chance of agreement with the Department of Agriculture and the Army engineers on this matter. And that being so, I decided to let it go for 2 weeks.

If we can come to an agreement, we shall be much better off, so in 2 weeks we will hold hearings on that bill.

Mr. PAUL. I think that is good news. I hope you can get that agreement.

The CHAIRMAN. It was at Senator Watkins' request.

Mr. PAUL. S. 2447 would authorize and direct the Secretary of Interior to undertake continuing studies of the effects of pesticides upon fish and wildlife for the purpose of preventing losses of these resources following spraying and to seek basic data on chemical controls leading to their use with minimum detriment to fish and wildlife.

There has been very rapid development of new "super-insecticides" during and since World War II. Some significant disasters in nature have followed widespread use of this poison.

An example was the repeated devastation of salmon and salmon foods by spraying DDT—for spruce budworm control—on the Miramichi River drainage in New Brunswick in 1954-56. The streams were used as spray pattern boundaries and received deadly doses. The problem seemed to be the stream was used as the boundary line, and as a result the streams received high dosages.

Another example was the unfortunate slaughter in 1955 of trout and trout foods in the Yellowstone National Park. By contrast some applications of DDT sprays for insect control elsewhere have served objectives while safeguarding fish resources.

We know it can be done, if it is done properly.

The CHAIRMAN. I am not too familiar with the one in New Brunswick, but the Yellowstone National Park example was quite conclusive, and that of course caused both the Montana Senators, and Members of Congress to introduce the legislation.

Mr. PAUL. Frankly, though, DDT is mild compared to new poisons like Dieldrin or Heptachlor. These drastic poisons are being spread in massive doses over areas to exceed 20 million acres in the deep South. The purpose is to try to eradicate the imported fire ant.

Such dramatic incidents draw immediate attention and quick effort to prevent reoccurrence. Perhaps of far more importance in the long run will be cumulative effects in a wildlife species, deterioration of reproductive vigor or inability to withstand predation and other natural controls. There is attached a copy of the January 1958 Sport Fishing Institute bulletin which discusses the possible effects of these pesticides in greater detail.

S. 3185 would require the Federal Power Commission to secure the approval of the Secretary of Interior, before issuing a license for a project proposal that would affect migratory fish and wildlife. The effects of this bill would be confined principally to the Columbia River Basin.

This legislation was conceived after the FPC decision on proposals to construct dams at the Pleasant Valley and Mountain Sheep sites on the Middle Fork of the Snake River. In rejecting the application for license to construct these projects, the FPC invited power interests to build a high dam at the Nez Perce site.

The major portion of the 250,000 anadromous fish reaching the Snake River spawn in tributaries above the Nez Perce site, principally the Salmon and Imnaha. We are no longer much concerned about dams, such as Pleasant Valley and Mountain Sheep, constructed above the mouth of the Imnaha.

Nez Perce, which is located below the mouths of the Imnaha and Salmon Rivers, would block completely the last major anadromous fish run in the Columbia River. The FPC apparently believes that the problem of getting fish over high dams on their upstream and downstream migrations will shortly be solved. In our opinion this conclusion is completely wrong.

Fish migration problems over 100-foot dams has not been solved. Trapping adult fish and trucking them is being attempted at Brownlee, Pelton, and Trinity Dams during the construction periods. But getting the fingerlings downstream is much harder. They cannot survive the trip through turbines and methods of skimming them out of the water, especially behind a dam with water fluctuation of 100 feet or more, is a problem that will likely take years to solve, if it can be solved at all.

The FPC apparently doesn't realize the magnitude of the problem. Nez Perce would, of course, with present knowledge, only solve the anadromous fish problem in the Snake as Grand Coulee solved it on the Columbia—by eliminating the fish.

Conservationists are solidly opposed to Nez Perce Dam and high dams on the Clearwater and the Salmon. This opposition will continue, and properly, until such time as research and practical experimentation have proved beyond a doubt that the anadromous fish upstream and downstream runs can be adequately maintained over a high dam and a series of high dams.

We believe the Congress should take positive steps to assure that the Imnaha, Grande Ronde, Salmon, and Clearwater, and the Snake River from a point above the mouth of the Imnaha to its mouth, be protected from further dams until it is proven that the fish runs can be maintained.

Along with this action, we believe Congress should immediately authorize a "crash program" of basic and applied anadromous fish

research in cooperation with the appropriate agencies of the States directly concerned with the Columbia Basin.

The CHAIRMAN. Before you go on, you have inserted in the copy you presented to me, a motion that the States must also have a voice. By that you agree, I assume, with the suggestion that the bill be amended.

I believe Mr. Day made that suggestion.

Mr. PAUL. That is right. I gave you the copy I was going to speak from, and I wondered where it went. We are in agreement with the suggestion of the Oregon Fisheries Commission as presented by Mr. Day.

With such a positive program implemented, there is a real chance to preserve the anadromous fish of the Columbia and at the same time develop the necessary power and flood protection.

S. 3185 is a step in the right direction—but we need the research program for the Columbia River Basin in addition. More fish protection is needed at federally constructed dams as well as private projects under FPC license and this will have to be achieved through amendments to the Coordination Act.

I appreciate the opportunity of appearing before your committee and expressing our views.

The CHAIRMAN. I am not in disagreement with the research program on the Columbia River Basin, but you understood that every year we appropriated substantial sums for Columbia River research.

I do not know what the result has been, in many cases. We hope it has been fruitful, but every year the Appropriations Committee gives substantial funds for research, and we are hopeful that it might bear fruit.

It isn't as if we just completely neglected it. The States have coordinated and done as much as they can, but apparently the whole problem requires more action than we are giving to it now.

Mr. PAUL. I am glad you pointed that out, Senator. There has been a good research program on the Columbia River, particularly at lower Columbia River, the salvage program directed at specific losses from downstream dams. But we still need real emphasis, particularly on the work to get the downstream migrants past, to see whether or not it is feasible.

The CHAIRMAN. We have spent millions of dollars, too, in Alaska. We passed all kinds of legislation, based, or justified by conservation, and our Alaskan catch is going down, down, down.

Mr. PAUL. I think there are a couple of basic problems, one is the conflict we have with the Japanese fishery on the high seas.

The CHAIRMAN. You mention in your statement here 250,000 fish going up the stream, or approximately that amount. That is a small amount compared to the over 55 million fish taken by the Japanese.

Mr. PAUL. That is right.

I might say the Sport Fishing Institute, although the name is "Sport Fishing," is extremely concerned with that salmon fishing out there. We feel fortunate so far the Japanese have not inflicted directly on the sport fishing. But I think it will be a problem in the future.

The CHAIRMAN. I hope your institute will spread the information as much as you can. I do not believe that Members of Congress are opposed to this. I think that a great number of them with many

duties and problems do not have the background and facts and somebody should see that every Member of Congress is made aware of the North Pacific salmon situation.

Mr. PAUL. We have distributed a number of copies of Judge Arnold's new pamphlet on the facts, and we were glad to do that.

The CHAIRMAN. Charles Jackson is here. We will be glad to hear you.

**STATEMENT OF CHARLES E. JACKSON, GENERAL MANAGER,
NATIONAL FISHERIES INSTITUTE, INC.**

Mr. JACKSON. Mr. Chairman, the fishing industry in the United States is strongly in favor of the principle embodied in S. 3185. This industry performs a necessary public service when it produces, processes and distributes the natural resources of our rivers, lakes, and oceans for the benefit of mankind.

With proper management, the waters of our country will continue to yield abundant supplies of fish and shellfish and, in fact, may increase these supplies for time immemorial, provided man uses reasonable judgment in utilizing these waters for all purposes.

In many cases we can have both fish and power, flood control and reclamation. In some cases the construction of dams may even aid fishery production.

There are other cases where the construction of artificial barriers spell doom for such valuable species as salmon, steelhead, shad, striped bass, herring, and so forth, unless means can be found to safeguard these natural resources.

S. 3185 is directed toward this end. Although provision is made in the law to safeguard navigation by compelling the Federal Power Commission to obtain approval from the United States Corps of Engineers, no such provision has been made to safeguard the fish and shellfish resources.

The Federal Power Commission is a body designated by the Congress to approve or reject proposals to build power dams on navigable rivers of this country. Its interests naturally are centered upon the matter of power.

There does not exist any impelling reason for this body to give adequate consideration to the fishery resource which may be affected in the course of developing the power potential of any river, and it has notably failed to do so in a number of cases.

In a recent statement by the Federal Power Commission in connection with its rejection of license applications by the Pacific Northwest Power Co., the Commission endorsed the construction of a 700-foot dam on what is known as the Nez Perce site on the Snake River, a tributary of the Columbia.

Such a dam would present an impassable obstacle in the path of a substantial majority of the salmon runs entering the Columbia River and completely destroy the value of fish passage facilities erected at a cost of millions of dollars by the Government at dams below that site.

The Columbia River and its tributaries have supported a salmon resource which has been commercially exploited for over a century. In that period this resource has brought in well over a billion dollars in new money into the Pacific Northwest.

According to a recent survey by the United States Fish and Wildlife Service, this resource produces an annual income in excess of \$17 million in its commercial and recreational fishery aspects. As related to the commercial fishery, this value is based upon processor levels.

The final value of the annual return from this resource, with commercial production rated at retail prices, is in excess of \$21 million. Capitalized on a 4 percent per annum return basis, this would represent an investment of close to half a billion dollars.

This resource is capable of indefinite harvesting if the spawning habitat of the salmon is not too greatly disturbed and the path of these fish, moving to and from the ocean, is kept open.

While the monetary value of this resource is substantial at the present time, it may be greatly increased in the future. It is estimated that Columbia River spawned salmon produce some 35 million pounds of fine protein food each year. As protein food is one of the most scarce items in the world today, and many economists agree that it will grow more and more scarce as the world population increases, foods of this type may well have a value to which it is difficult to affix a dollar mark at the present time.

Thus, the fishery resources of a river like the Columbia may have already yielded far greater benefits for mankind than a power project could ever produce—to say nothing of the continuous yield of salmon the Columbia River could produce year after year into the indefinite future.

Americans have a right to determine whether these resources should be needlessly sacrificed. The public should be informed. Congress should know all the factors before authorizing the construction of artificial barriers in the waters of the United States.

The fishing industry believes that the fish and wildlife resources are often more valuable to the American people than power or other manmade resources, since the life tenure of dams for power, flood control, and reclamation are relatively short lived due to sedimentation and other causes, perhaps 100 years.

Hence, we believe that no license for any project which would substantially affect fish and wildlife resources, as determined by the Secretary of the Interior, should be issued until the Secretary of the Interior has approved measures to be incorporated in project construction and operation plans for the conservation of fish and wildlife.

In any event, the same provisions should be made for safeguarding the fish and wildlife resources of the nation as are made under the present law for safeguarding navigation.

We urge prompt and favorable action on S. 3185.

We understand the author has indicated he is perfectly agreeable to amendments which may be necessary to clarify his bill.

The CHAIRMAN. Mr. Jackson, just one question.

If the committee should decide in cases where there is a dispute, an obvious dispute on this matter of which I presume there would be many, that Congress itself should take a hand in being the arbitrator, I understand that you personally as far as you know would have no objection to that?

Mr. JACKSON. No; I think that would safeguard the interest of all concerned.

MR. CHAIRMAN. Thank you very much.

I have a statement of Mr. Norwood, which I want to put in the record.

STATEMENT OF GUS NORWOOD, EXECUTIVE SECRETARY, NORTHWEST PUBLIC POWER ASSOCIATION, VANCOUVER, WASH.

MR. NORWOOD. I serve as executive secretary of the Northwest Public Power Association which comprises 103 consumer owned electric systems which serve almost 2 million people in Alaska, Oregon, Washington, Idaho, and Montana.

These systems include rural electric cooperatives, public utility districts and municipal electric distribution systems which now own and operate some \$700 million in electric utility plants including about 1 million kilowatts of hydroelectric generating capacity. Additionally, these systems have under construction approximately 1,500,000 kilowatts in capacity at a cost of about \$450 million and have plans for soon placing under construction about 3 million kilowatts.

Several of our member utilities have urged us to testify in opposition to S. 3185.

Our systems are the most directly affected by the probable effect of S. 3185 either because one or more of our member systems are or will be building dams which would be placed in jeopardy by the bill, or in a broader sense most of our systems and most of the population of the Pacific Northwest would be adversely affected by the probable effect of the bill in hampering the orderly and proper installation of additional hydroelectric generation capacity.

PURPOSE OF TESTIMONY

The purpose of this testimony is to urge that S. 3185 not be passed in its present form, but instead, that in modified form it be incorporated in or be combined with S. 2847.

COMPREHENSIVE DEVELOPMENT FAVORED

The public and cooperative electric systems of the Pacific Northwest are on record by numerous resolutions in favor of full, optimum, comprehensive development of the water resources of our river basins on a balanced multiple-purpose basis. We hold firmly to the test of conservation, with conservation defined as the wise use of resources for the greatest good of the largest number of people for the longest time.

The resolutions and policies of the Northwest Public Power Association were recodified and approved by our board of trustees on November 6, 1957, and have been reprinted in convenient form under the title "A Consumer Power Policy." This document is enclosed. It details the attitude and recommendations of this association on almost every significant policy question relating to hydroelectric power development.

The basic principles of comprehensive development as advocated by the Northwest Public Power Association have been drafted in legislative form as a proposed amendment to the Federal Power Act which

was introduced by Senator Magnuson and cosponsored by six Senators as S. 2847.

THE PURPOSE OF S. 2847

This bill S. 2847 would amend the Federal Power Act by adding four definitions: "comprehensive plan," "A project best adapted to a comprehensive plan," "no public benefits," and "beneficial public uses." The bill would also revise section 10 (a) so as to make mandatory upon the Federal Power Commission the duty to license only projects which conform to the comprehensive plan.

The peculiar and particular merit of S. 2847 lies in its setting down specific legislative tests, standards, and guidelines for the Commission to follow. It conforms to the principle that ours is a government of laws rather than an arbitrary and changing government of particular jobholders. S. 2847 fills a void, a no-man-land where the Commission now has excessive discretion.

S. 2847 conforms to the concept of the Federal Power Commission as an independent agency created by and responsible only to the Congress. It does not make the Federal Power Commission subject to the President or to any other department of the Government.

The Secretary of the Interior, both as an individual Cabinet member and as an advocate of a particular administration, is often under pressures which may be incompatible with the Federal Power Commission's status as an independent body.

THE PURPOSE OF S. 3185

In contrast the present bill S. 3185 would further break down the independent agency status of the Federal Power Commission by making its decisions subject to a new veto power to be exercised by the Secretary of the Interior on behalf of the United States Fish and Wildlife Service.

S. 3185 appears to make "conservation of migratory fish and game" the supreme test. It would designate "conservation of migratory fish and game" as an overriding, superior, and controlling use of water on a par only with navigation, and it would relegate and downgrade hydroelectric power to the status of a subservient, secondary and less significant use of water resources. By implication it would also downgrade flood control, recreation, industrial, municipal, irrigation, and other uses of water.

This is not to say that S. 3185 does not have a point. It does have merit in its intentions. The bill S. 3185 will serve a useful purpose if it calls attention to the need for a balanced consideration of all water uses and that fish and wildlife values be accorded a proper place among those water uses.

NEZ PERCE NOT ADVOCATED

The introduction of S. 3185 is apparently a precautionary step resulting from the January 20, 1958, decision of the Federal Power Commission to deny a license for Mountain Sheep Dam and Pleasant Valley Dam. In its decision the Commission acknowledged the superiority of the Nez Perce Dam and spoke favorably of the progress being made in fisheries research. This apparently gives rise to the conjecture that the Commission would license Nez Perce Dam if an application were submitted.

However, the fact is that no agency today advocates immediate construction of the Nez Perce Dam. No application for a permit or license has been made.

It is noteworthy that the Oregon Water Resources Board recently expressed a desire that a 7-year moratorium be permitted until 1965 on any dam building in the Nez Perce reach of the Middle Snake River.

The Northwest Public Power Association as early as December 1954 suggested a moratorium on dam construction in the Nez Perce reach of the Middle Snake River for the purpose of buying time for fisheries research and to keep the door open for ultimate full development.

Most recently the board of trustees of the Northwest Public Power Association on November 6, 1957, adopted a resolution calling upon Congress to authorize and direct the Corps of Engineers to conduct a 2-year study of the Middle Snake with particular attention to fisheries research.

This resolution reads as follows :

The Middle Snake River area offers the greatest promise for upstream power and flood control storage available in the United States portion of the Columbia River Basin. There is a real need for an adequate study of its ultimate potential uses.

To fill this need we recommend that Congress direct the Corps of Engineers to conduct an immediate and thorough investigation and study of the Middle Snake River and tributaries from below the mouth of the Clearwater River to Weiser, Idaho, and to submit to Congress by December 31, 1959, a report with recommendations for the full, ultimate, comprehensive, multipurpose development thereof as part of the full development of the water resources of the Columbia River Basin, including an analysis showing the relationship to fisheries and other conservation values, and that pending action by Congress on this report that no new dams may be built and no new licenses may be granted by the Federal Power Commission in this area.

We do maintain that the progress of fishery research is so promising that we anticipate answers in a reasonably short period of years sufficient to permit the harnessing of these valuable water powers.

Anadromous fisheries is an important economic asset of the Pacific Northwest. We as an association favor both fish and power. However, we do not have solutions to all the problems. Research is gradually providing the facts.

LEGISLATIVE DIFFICULTIES IN S. 3185

S. 3185 at a minimum does not do justice to the many conservation duties, especially in the field of water resources, which Congress has imposed upon the Secretary of the Interior. If it is proposed to assign a veto power to the Secretary of the Interior over the granting of any Federal Power Commission hydroelectric project license, then it might be asked why not grant him a general authority to use his judgment in respect to any and all of his many duties of surveillance in the fields of water use for irrigation, power, salinity control, silt control, recreation, fish and wildlife, Indian affairs, and other purposes. For example, might it not have been desirable to have granted the Secretary veto power to prevent the Commission granting a license for several small dams in the Middle Snake River where both the Bureau of Reclamation and Corps of Engineers had previously recommended a plan of full development by building the high Hells Canyon Dam?

As it happens, the recent historical facts are that neither Secretary Douglas McKay nor Secretary Fred Seaton would have so used such veto power. Neither has supported the high Hells Canyon Dam. If they would not have used such a veto power in the cause of conservation and fuller development, then why grant them a veto power to obstruct development on the narrow grounds that only one of the numerous multiple purposes of water resources might be modified or adversely affected?

The defect is in the law. The law should be so written that the Federal Power Commission must measure a proposed project by certain tests, standards, and guidelines as defined by Congress. The standards must be sufficiently explicit that a Federal court can determine when the Commission misapplies or ignores the legislative mandate.

THE REASONABLENESS OF S. 2847

It has been said that a law has not stood the test of time until it has operated satisfactorily for the period of at least one administration which is philosophically opposed to the intent of the law.

Section 10 (a) of the Federal Power Act requires that a license may be granted only if a proposed project meets the test of the comprehensive plan. In the Hells Canyon case the Federal Power Commission made a travesty of section 10 (a). The law has broken down. Even an attempted salvage operation in the Federal courts did no good.

The purpose of S. 2847 is to repair section 10 (a) and to buttress it with precise, workable definitions and standards.

The further reasonableness of S. 2847 lies in its provision that, when the Federal Power Commission feels that a project should be licensed even though it does not meet or fully meet the standards set forth by S. 2847, then the Commission is authorized to refer the proposed license to Congress and, upon specific authorization by Congress, the Commission may then issue the license.

Because we think S. 2847 insures a balanced consideration of fisheries, game, recreation, and other values in comprehensive planning, we think S. 2847 is a better approach to the problem of fish and wildlife conservation.

Particular attention is called to page 3 of S. 2847 which lists "beneficial public uses" of water resources. Emphasis is given commercial and sports fisheries, wildlife, and recreation, but they are listed on an equal basis with other public uses.

The Northwest Public Power Association is on record in favor of the broader principles of S. 2847.

PROPOSED AMENDMENT FOR S. 2847

In order to reduce the risk of future misunderstanding, it is suggested that the word "comprehensive" be deleted in line 11, page 4, of S. 2847.

It is not consistent to refer to comprehensive plans (in the plural) for the river basin, when, on page 1 of the bill, a comprehensive plan is defined as the "best of alternative plans."

INCORPORATION OF THE PRINCIPLE OF S. 3185 IN S. 2847

In order to insure reasonable liaison between the Department of the Interior and the Federal Power Commission, not only on fisheries but also in regard to the many conservation laws administered by Interior, it may be appropriate to add the following new section to S. 2847. This would utilize the central principle of S. 3185 without granting a mandatory veto power.

SEC. 3. Subsection (e) of section 4, as amended, is hereby further amended by inserting after the first proviso in the first sentence the following new provision:

"Provided further, That each application for a permit or license shall be referred to the Secretary of the Interior for his comments and advice, which shall be considered by the Commission."

In looking over the "provided further" at the end of the first sentence of subsection (e) of section 4, it occurs to us that Congress, since enactment of the Federal Power Act of 1920 and since its last significant amendment in 1935, has assigned to the Corps of Engineers the responsibility for flood control on a par with the Army's duties respecting navigation.

The lack of explicit language in regard to flood control was quite apparent in the Hells Canyon case. Since no one was responsible, the issue fell by the wayside by default. One solution to this deficiency is the following additional amendment for S. 2847:

SEC. 4. Subsection (e) of section 4, as amended, is further amended by inserting in the first sentence after the phrase, *"Provided further,* That no license affecting," the words "the flood-control capacity or".

If it is held that the Federal Power Commission's status as an independent agency is clouded by the last proviso in subsection (e) of section 4, which gives an absolute veto power to the Secretary of the Army, then the following alternative language would be suggested as an alternative to both of the above proposals. We think the following solution may be best:

SEC. 3. Subsection (e) of section 4, as amended, is hereby further amended by deleting the last proviso in the first sentence and inserting in lieu thereof the following:

"Provided further, That each application for a permit or license shall be referred to the Secretary of the Interior and to the Secretary of the Army for their comments and advice as to the effect of a license upon the administration of laws within their respective jurisdictions, which shall be considered by the Commission."

RECOMMENDATION

In view of the fact that S. 3185 applies explicitly to the Pacific Northwest and would either affect adversely or create uncertainties in regard to projects for optimum, comprehensive, multiple-purpose development, the Northwest Public Power Association recommends that S. 3185 not be approved.

Secondly, we urge early consideration by the committee of S. 2847.

Thirdly, in connection with consideration of S. 2847, it may be desirable to amend section 4 (e) of the Federal Power Act, permitting the Secretary of Interior to comment on all license applications. But we are opposed to granting the Secretary of the Interior any absolute veto powers.

Thank you.

(Document, A Consumer Power Policy, follows:)

(Revised and adopted November 6, 1957, by the Northwest Public Power Association)

Your legislative committee respectfully submits this recodification of Northwest Public Power Association resolutions as taken from the minute books covering 86 business meetings the past 17 years. Some 280 resolutions have been consolidated into a draft about one-tenth the original bulk.

The consumer-owned electric systems of the Pacific Northwest have a public-utility responsibility to serve 2 million people with an abundant supply of electric energy at the lowest possible cost, consistent with sound business practices and with comprehensive development of natural resources. These four goals occur repeatedly in the resolutions. Because they appear as four sides of a unified, consumer-minded policy, we are submitting as a suggested title for this report: "A Consumer Power Policy."

The local consumer power system has been created by the citizens of the community for the express purpose of supplying adequate electric power, when and where it is needed, at the lowest rates consistent with sound business principles.

Being consumer owned, its customers and its stockholders are one and the same, with the result that it has 1 master and 1 loyalty—the community and its citizens.

With no conflict between consumer and stockholder, and with direct control of operating policy by the people it serves, the local consumer-owned power system is in an unequalled position to serve the community.

All Americans, as consumers and citizens—laborers, farmers, housewives, manufacturers, bankers, merchants—have a fundamental interest in the production, distribution, and utilization of the power resources of our Nation. Abundance of low-cost electrical energy, or its scarcity and consequent high cost, affect the standards of living of all, and the productivity and strength of our Nation itself. It is so vital to all our citizens, to a full-production economy, and the national welfare that the assurance and provision of an abundant supply at lowest possible cost is a public responsibility.

Assurance of an abundant supply requires the prompt and orderly development of our Nation's power resources. Assurance that the American public will receive the undiminished benefit of such development requires a positive program of public generation, transmission, and distribution reaching all the way to the public, whenever and wherever necessary.

I. MOTTO OF THE NORTHWEST PUBLIC POWER ASSOCIATION

To provide the best possible electric service at the lowest possible cost consistent with sound business principles.

II. ONE-CENT POWER ACHIEVEMENT AWARD

Resolved, That the membership authorize a utility award for those Pacific Northwest consumer-owned utilities whose average residential rate for any calendar year is 1 cent or less per kilowatt-hour. For calendar year 1956, there were 19 qualifying utilities:

Vera Irrigation District	Cowlitz Public Utility	Canby
Salem Electric District		Monmouth
Milton-Freewater	Grant Public Utility Dis-	Tacoma
Northern Wasco Public	trict	McMinnville
Utility District	Clatskanie Public Utility	Drain
Tillamook Public Utility	District	Cheney
District	Lakeview Light & Power	Grand Coulee
Grays Harbor Public Util-	Co.	Cascade Locks
ity District	Forest Grove	

III. AWARD FOR ENGINEERING ACHIEVEMENT

To encourage the most efficient operating practices and excellence of engineering in electric generation, transmission, and distribution, and in order to honor the foresight, abilities, and contributions to the ideals of consumer-owned power systems of Mr. McGuire, we hereby establish the Milton Hunt McGuire engineering achievement award.

IV. PURPOSES OF THE NORTHWEST PUBLIC POWER ASSOCIATION

Consumer-owned electric utilities must stand and work together so our operations will be outstanding and successful.

This organization shall assist consumer-owned electric systems of Oregon, Washington, Idaho, Montana, and Alaska to interchange ideas and experience for their mutual benefit.

Article II of the articles of incorporation reads:

"That the purposes for which this corporation is formed are as follows:

"(a) To form a nonstock, nonprofit corporation for the purpose of rendering to such consumer owned and operated electric light and power utilities in the States of Idaho, Montana, Oregon, and Washington, and the Territory of Alaska, as may subscribe, technical, legal, accounting, financial, purchasing, and other service and counsel peculiar to the operation of electric utilities.

"(b) To advocate and promote the highest possible efficiency in organization and operative methods of local consumer-owned electric utilities.

"(c) To render assistance and service in the defense of, or the promotion of, any interest common to its members.

"(d) To educate its members and the public in the principles and policies of consumer ownership and operation of electric light and power utilities, and to safeguard the principle of home rule.

"This corporation is one which does not contemplate pecuniary gain or profit to the members thereof."

V. CONSERVATION AND DEVELOPMENT OF NATURAL RESOURCES

Second only to the development and protection of its human resources, the Nation's foremost task is the conservation of its natural resources. Conservation is the wise use of resources to achieve the greatest good for the largest number of people for the longest time.

All feasible power resources, hydro or other, must be developed as rapidly as they can be soundly undertaken.

River basins should be developed, not only for power production but in accordance with comprehensive, basinwide plans which will assure optimum soil and forest conservation, flood control, reclamation and irrigation of land, improvement of navigation, municipal and industrial water supply, abatement of pollution, protection of fish and wildlife, expansion of recreational and cultural facilities, salinity and silt control, and other benefits. Such development can be assured only under public control and with the widest practical participation of local public agencies and cooperatives. Outstanding private licenses to exploit the public's hydroelectric power resources should be recaptured as rapidly as possible.

The Federal Power Commission should grant no license to construct a dam if such project would be inconsistent with comprehensive development of the river basin.

We urge a continuing investigation of hydro sites and studies of load growth to insure sound planning of an adequate supply of power. We urge the Corps of Engineers to review its 308 reports every 5 years.

We favor a positive program for the conservation and development of fisheries, wildlife, and recreational resources of the Pacific Northwest and Alaska. We urge Congress to investigate the adequacy and appropriateness of the fisheries research of the United States Fish and Wildlife Service as these relate to water-resources development in the Pacific Northwest.

VI. HIGH HELLS CANYON DAM IS EXCELLENT PROJECT

We endorse the High Hells Canyon Dam as essential to the comprehensive development of the middle reaches of the Snake River on a multiple-purpose basis for flood control, power, navigation, irrigation, recreation, and other purposes, including river control and downstream power benefits. We favor construction by either the Corps of Engineers or the Bureau of Reclamation under legislation patterned after the Hungry Horse Project Act with power to be marketed under the Bonneville Act. We endorse S. 555.

VII. FLOOD CONTROL AND POWER GO HAND IN HAND

Historically the maximum summer flood peak of the Columbia River is 34 times the minimum winter flow. On average 73 percent of the annual runoff occurs in the 6 summer months but only 27 percent of the flow occurs in the 6 winter months when consumers use the most electricity.

The Pacific Northwest urgently needs upstream storage projects such as Hungry Horse Dam to store wasteful summer floodwaters for release in winter when Columbia River flow is lowest and when power need is greatest. Upstream storage thus serves the double purpose of flood control and power.

We urge Congress by law to define and authorize the upstream flood-control and power storage objective for the Columbia River so as effectively to cut in half the record 1894 flood of 1,240,000 cubic feet per second at The Dalles to about 600,000 cubic feet per second.

We oppose the diversion of the Columbia River into the Fraser River. Instead we urge Congress to initiate early negotiations between Canada and the United States looking toward the full development of the Columbia River as a unit for the highest benefit of the people of both nations.

VIII. INCREASING THE POWER SUPPLY TO MEET DEMANDS

Federal hydroplants.—We endorse the principle of comprehensive development of water resources and support dams which meet this test. We oppose dams which violate this principle. Under this principle the association has endorsed for construction by the Federal Government 39 dams with a capability of about 16 million kilowatts as follows:

Under construction:

Ice Harbor
Yellowtail
The Dalles
McNary
Chief Joseph
Palisades
Hills Creek
John Day
Cougar
Fort Peck No. 2

Completed:

Hungry Horse
Detroit
Big Cliff
Lookout Point
Dexter
Chandler
Albeni Falls
Canyon Ferry
Eklutna
Anderson Ranch
Roza

Proposed projects:

Hells Canyon
Glacier View
Little Goose
Lower Granite
Devils Canyon
Bruces Eddy
Penny Cliffs
Upper Scriver
Lower Monumental
American Falls powerhouse
Libby
Paradise
Nez Perce
Eagle Rock
Blue Lake
Lower Scriver
Green Peter
Burns Creek
Swan Lake (in Alaska)

The Middle Snake River area offers the greatest promise for upstream power and flood-control storage available in the United States portion of the Columbia River Basin. There is a real need for an adequate study of its ultimate potential uses.

To fill this need we recommend that Congress direct the Corps of Engineers to conduct an immediate and thorough investigation and study of the middle Snake River and tributaries from below the mouth of the Clearwater River to Weiser, Idaho, and to submit to Congress by December 31, 1959, a report with recommendations for the full, ultimate, comprehensive multiple-purpose development thereof as part of the full development of the water resources of the Columbia River Basin, including an analysis showing the relationship to fisheries and other conservation values, and that pending action by Congress on this report that no new dams may be built and no new licenses may be granted by the Federal Power Commission in this area.

We endorse in principle the Paradise Dam bill.

Non-Federal hydro plants.—We urge Federal support toward expeditious construction of non-Federal public dams, including among others Sultan Dani, Priest Rapids project, Skagit River projects, and the Cowlitz Dams at Mayfield

and Mossyrock. We have supported two dams now completed, Box Canyon Dam and redevelopment of Rock Island Dam.

The only dams opposed by the Northwest Public Power Association are the small alternative projects which would conflict with and prevent construction by the Federal Government of the Paradise, Nez Perce, and high Hells Canyon Dams and result in gross underdevelopment of the potential water power thereby violating the principle of comprehensive development. The officers of the association are authorized to intervene before FCP in opposition to such alternative projects.

Federal steam plants.—We recognize the authority of the Congress to build fuel-burning generating plants. Under this principle we have endorsed the Fulton steam plant for TVA. We also favor Bonneville Power Administration building 400,000 kilowatts of fuel-burning electric plants.

Federal atomic generating plants.—We urge the continued public control by the Government of the United States over atomic energy and we also urge Congress to authorize the construction of Federal atomic electric generating plants.

IX. FEDERAL LAWS ESTABLISH MARKETING PRINCIPLES

The high water mark of Federal hydroelectric legislation is section 5 of the Flood Control Act of 1944 which sets forth four historic principles:

- (a) To encourage the most widespread use of electric energy;
- (b) At the lowest possible rates to consumers;
- (c) Consistent with sound business principles;
- (d) With preference to public bodies and cooperatives.

X. PREFERENCE CLAUSE FAVORS LOCAL CONTROL

We recognize the so-called preference and priority clause of the Federal power statutes as a "home rule clause" which preserves the right of home rule for cooperatives and local units of Government. Since the rivers of the Nation belong to the people, it is fitting that the public should have first call on publicly generated electricity. As the owners of the waterpower, the general public has the right to the undiminished benefits of the resultant energy at cost and without the imposition of private utility toll charges and monopoly control.

XI. SOUND ENGINEERING LEADS TO SOUND INVESTMENT

A sound Federal power program requires a close coordination of three factors:

- (a) Continuing load studies: To provide careful estimates of future electrical loads including not only predictable loads, but also contingencies and operating reserves.
- (b) Engineering studies: To plan the construction of facilities for generating and transmitting power and delivering it at each load center at the proper voltage when needed.
- (c) Congressional appropriations: To advance capital investment to build facilities to meet energization dates.

If the load studies and the engineering studies are sound, we believe that the appropriations should follow as a matter of course and as a matter of sound business investment.

Greatest economy and most effective use of power supply require interconnection of the various electric powerplants within a region and their connection with the various load centers of the region by means of high voltage transmission lines. These transmission lines are the essential generator to market roads without which limited groups can bottle up a Federal dam and by such monopoly render it a captive dam whose power must be sold at sacrifice prices. The carrying out of the Federal power statutes and in particular the preference or antimonopoly clause depends primarily upon Federal transmission lines.

XII. FEDERAL TRANSMISSION LINES TO CARRY OUT THE LAW

We urge Congress to construct transmission and substation facilities to integrate Federal power projects to achieve maximum firm power and to transmit such power to the load centers of public bodies and cooperatives at their required voltage.

Specifically we urge the construction of transmission lines from Fort Peck Dam to Yellowtail Dam to Canyon Ferry Dam to Great Falls and Anaconda. We are in favor of a Federal 230,000-volt line to Klamath Falls, the 230,000-volt

Kitsap cable, a line from McNary Dam to the High Hells Canyon damsite and a line through southern Idaho to interconnect with Anderson Ranch Dam, Milner Dam, Minidoka Dam, American Falls Dam, Palisades Dam, and Anaconda.

We oppose the sale of energy from Federal projects at the bus bar. We oppose any legislation to permit marketing of energy by the Federal Power Commission.

We favor the policy of Congress in limiting the marketing authority of Federal agencies to wholesale accounts. Furthermore, we believe that no Federal marketing agency should sell power to private industries within the distribution area of any public body or cooperative unless expressly requested by such public or cooperative body.

We urge Congress to enact legislation and we urge the Federal administrative agencies to permit no power sales or exchange contract nor grant any easement, license or right-of-way over public lands to any electric company unless said company agrees to make available the excess capacity of its transmission system for wheeling to preference customers.

XIII. ELECTRIC POWER AT COST

We favor financing of Federal power facilities on a self-liquidating basis providing for repayment of power investment together with interest over a 50 year period on a modified service-life basis.

We oppose any unjustified increases in power rates over those necessary to meet actual costs. Many schemes have been advanced for artificially increasing power rates, including the criteria and ground rules used by various Federal agencies.

We urge Congress to establish uniform criteria for evaluating multiple-purpose power projects based on actual anticipated service life of each category of investment as set forth in bulletin F of the Bureau of Internal Revenue including 150 years service life of dams. Specifically we urge that these criteria be applied uniformly for: (a) depreciation, (b) accounting, (c) benefit-cost ratio, (d) allocation of costs, and (e) for determining and insuring full river-basin development.

We oppose increasing power rates by the levy of additional taxes. We oppose any taxes on interest from electric revenue bonds. We oppose taxation of government at any level by government at any other level. We believe an electric utility is not a proper tax-collecting device, particularly for hidden taxes. We likewise oppose the imputation of taxes or the use of taxes foregone in evaluating proposed Federal hydroelectric projects. No dam or utility pays taxes, only the consumers pay taxes.

We oppose the proposal that Federal agencies owning downstream dams pay upstream storage charges to private utilities. We urge retention of section 10 (f) of the Federal Power Act as it now stands. We urge FPC to expedite its determination of downstream benefits due in the Columbia River Basin.

We favor a rate of interest at Federal projects equal to the average cost of money to the Government. When national considerations delay a project, the excessive interest during construction should not be included as a cost.

We urge Congress to investigate the Nation's monetary policies and the causes of high interest rates.

The cost allocations at McNary Dam are unreasonable. Navigation has been grossly underevaluated.

We endorse the principles of the Trimble bill as regards cost allocations and other factors in Federal power rates.

We favor amending the Bonneville Act to permit the Administrator to purchase power under contract and under appropriate standards in order to increase firm power supply provided that no steam power should be bought unless it can be merged with hydro and sold without increasing the average system power cost or can be sold on a reimbursable basis.

No power should be sold outside the region without the right of first refusal at the same rate within the region.

We urge Congress to provide for reimbursement of consumer-owned electric systems when they must move poles incident to highway construction.

We favor amendment of the Federal Administration Procedure Act to insure the right of public hearings and court review relative to cost allocation and rates.

We adopt the 5-page report dated April 11, 1956, of our wholesale rate committee in commenting on the Ford, Bacon, and Davis report on BPA rates.

XIV. SUPPORTING IRRIGATION

We endorse a positive irrigation program in the Pacific Northwest as required by national demand for agricultural produce, provided that when any capital costs of such projects, which are beyond the capacity of the water users to pay, are to be subsidized from power, the following principles and policies should be observed, especially in any proposed legislation for a Columbia Basin account:

(a) Irrigation projects shall not be authorized unless each project shows a clear feasibility when direct and indirect benefits and costs are evaluated.

(b) In evaluating benefits Congress shall limit the inclusion of indirect benefits up to the point of equaling the direct benefits.

(c) The water user shall be required to reimburse the Government for the Federal costs in a ratio not less than the direct benefits bears to the total benefits.

(d) The subsidy from power is to be limited to that portion of the irrigation cost which the indirect benefits bears to the total benefits.

(e) Any subsidy to irrigation shall not increase power rates during the 50-year period for repayment of power investment. The payment shall be made commencing after the 50th year of project completion.

(f) No subsidy shall be assessed against existing projects except as already provided by law.

(g) No subsidy shall be allowed for irrigation operation, maintenance, and administrative costs.

(h) Power used for irrigation shall be charged at cost.

(i) When power users must subsidize irrigation, it is our view that the interest on the related power investment shall be likewise credited toward repaying irrigation investment.

(j) We oppose any increase in Grand Coulee power cost for the purpose of subsidizing irrigation projects other than the presently authorized Columbia Basin project.

XV. REGIONAL POWER AGENCY ENDORSED

To open new avenues of agricultural and industrial opportunity and to provide increased employment for an expanding population by accelerating the rate of power development we urge that Congress create a regional public organization to carry forward the Northwest power program on a basis of assuring (1) an adequate power supply, (2) at the lowest possible rates, and (3) consistent with comprehensive development of the waterpower resources of the Pacific Northwest. Specifically we endorse the sixth preliminary draft of the Bonneville Act amendments bill, which provides, in addition to the above, for adoption of the following:

(a) Retention of the principles of the Bonneville Act.

(b) Adoption of capital budgeting under the Government Corporation Control Act.

(c) Adoption of actual service life for projects.

(d) Permit the Corporation to use its own revenues.

(e) Impose upon the Corporation a public utility responsibility for providing an adequate regional power supply.

(f) Establish the Corporation as the marketing agency for power from all Federal dams in Montana, Idaho, Oregon, and Washington.

(g) Use interstate compact so that 4 States may take over the Corporation or elect 4 of the 5 directors.

(h) Corporation succeed to Bonneville Power Administration.

(i) Issuance of revenue bonds.

(j) Use of tentative cost allocations.

(k) Provision for congressional control over new projects.

Our interest in a regional power agency is of long standing. On the date it was founded January 31, 1941, the Northwest Public Power Association adopted its first resolution to urge Congress to form a "Federal nonprofit corporation for the wholesale marketing of Columbia River power; that the control of policies and management * * * be vested in a board of directors (of which) a majority * * * shall be appointed by public bodies operating power systems and the balance to be appointed by the Federal government."

We endorse the Kerr bill for TVA self-financing.

We oppose the present draft of the proposed interstate compact involving the control or allocation of electric power in the Pacific Northwest.

We endorse the Hoover commission recommendation to transfer navigation and flood control functions of the Corps of Engineers to the Department of interior. We further urge that the Department of the Interior be reorganized as the Department of Natural Resources.

XVI. RURAL ELECTRIFICATION SUPPORTED

We urge Congress to make available adequate appropriations for use as capital loan funds to REA borrowers including loans for generation and transmission cooperatives, and adequate funds for administration and for research in power use.

We urge amendment of REA Act to permit a 50-year repayment period when funds are used for longer life projects.

We urge Congress to enact legislation to restore REA to the status of an independent agency.

We oppose the Hoover Commission recommendation to abolish the Rural Electrification Administration and transfer its functions to a Government corporation which would borrow its funds by the sale of long term bonds. We oppose any attempt to increase the REA interest rate above the present 2 percent level.

We commend that rural electric cooperatives and utility districts of the Pacific Northwest for doing a fine job of rural electrification serving the people whom the private utilities refused to serve. For these same private monopoly corporations now to turn upon these cooperatives and utility districts and pirate their better consumers is outrageous.

We endorse the right of our cooperatives and districts in serving any and all electric consumers or potential consumers in their chosen service area. We deplore the delivery of any Federal power to any private utility for the purpose of pirating consumers from a consumer owned electric distribution system.

XVII. REGULATION OF PRIVATE UTILITIES IS TOO LAX

We recognize that private electric companies in performing public utility functions are operating as monopolies under special privileges granted by the various units of government. They are given governmental power to condemn private property, they are granted franchises and certificates of convenience and necessity and are given the use of highway right-of-way.

We recommend that the Congress order a searching investigation of the electric utility industry in the following respects:

(a) To determine the effectiveness of government regulation.

(b) To determine the extent of propaganda, political and lobbying activity of the private electric companies.

(c) To determine the efforts being made by the companies to thwart and discredit consumer owned electric systems.

(d) To determine the extent to which the Public Utility Holding Company Act has been carried out by SEC.

(e) To determine the extent to which the industry is meeting its public utility responsibility.

There must be immediately established at every level of private utility operation a thorough and continuing investigation of all expenditures of moneys by power monopolists for propaganda, lobbying, political activity or corruption of public servants or institutions. Regulatory bodies, law enforcement agencies, legislatures and the Congress itself must discharge their duty to the American people to expose, punish and publicize unethical, immoral, or illegal practices on a vigorous and continuing basis. There must be immediate and continuous action to assure that benefits of tax concessions, accelerated amortization subsidies and similar windfalls to private companies reach consumers and that inflated valuations, watering and inefficiency are not charged in expense.

We oppose the merger of private utility corporations in the Pacific Northwest as being contrary to the public interest and as encouraging monopoly. We oppose any amendment of the Public Utility Holding Company Act of 1935 so as to exempt from regulation such proposed super-generating corporations as the Pacific Northwest Power Co.

We urge Congress to direct the Federal Power Commission to require accounting adjustments removing from the utility rate base all net plant investment which has been written off under accelerated amortization and liberalized depreciation. We also urge Congress to investigate SEC, FPC, and the Bureau of Internal Revenue in regard to lax accounting and tax administration involving private utilities.

We urge the improvement of corrupt practices laws so as to prohibit the use of rate-payer funds for lobbying, propaganda, political activity and to influence elections on the part of private electric corporations.

XVIII. DAMS NEEDED FOR NATIONAL DEFENSE

We consider an adequate supply of electric power as a critical element in the national defense. The present nationwide power shortage is indication of military weakness and unpreparedness. In the recent war, the strength of our enemies and of our allies was largely in proportion to their supply of electric energy.

We note that our War Production Board translated large military orders into electric power demand and then ordered the building of defense plants in areas where electric energy either was available or could be made available. The Board regarded power supply as more important than any other production factor except manpower. Under the War Production Board we installed the remaining Bonneville Dam generators and diverted two Shasta Dam generators to Grand Coulee. This was done for increased war production. We believe this nation, strictly from concern for national defense, should always have a reserve of at least 15 percent above peak loads. We deplore the lack of a national military policy providing for adequate power supply.

To correct this deficiency we urge that Congress by law require the Secretary of the Defense, through the National Security Resources Board and in cooperation with other agencies, to conduct continuing surveys of our energy requirements for war production and to make annual reports to the President and Congress with recommendations for meeting such electrical requirements.

XIV. POWER BUSINESS IS PUBLIC BUSINESS

The furnishing of electric energy is the second most important public utility function of government, second only to the furnishing of safe domestic water supply.

Consumer owned power systems have had a profound effect upon this industry, acting as a bridge between the people and their power resources. These systems have served as a yardstick of performance in low rates, good service, rural electrification, responsiveness to the public will and as advocates of sound conservation of natural resources.

Consumers from all walks of life have a vast stake in an abundance of low cost electricity.

Suggestions for the improvement of this consumer policy statement should be sent to the Northwest Public Power Association, Vancouver, Wash.

STATEMENT CONCERNING S. 3185 SUBMITTED BY ALEX RADIN, GENERAL MANAGER, AMERICAN PUBLIC POWER ASSOCIATION

My name is Alex Radin. I am general manager of the American Public Power Association, a national trade organization headquartered at 1025 Connecticut Avenue NW., in Washington. This association represents more than 800 local publicly owned electric utilities, principally municipal electric systems, in 40 States, Alaska and Puerto Rico.

A number of the member systems of the American Public Power Association have a direct interest in the licensing authority of the Federal Power Commission, since they now hold FPC licenses for river development projects or may in the future request such licenses.

The American Public Power Association is opposing S. 3185 in response to reports we have received from some of our member systems, especially those in the Pacific Northwest, expressing serious objections to this bill.

In our opinion, S. 3185 would establish an unwise precedent in giving the Secretary of the Interior a veto power over Federal Power Commission licensing of river development projects.

Section 10 (a) of the Federal Power Act says that FPC-approved projects must be "best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of waterpower development, and for other beneficial public uses, including recreational purposes."

Obviously in reaching a decision concerning the project "best adapted to a comprehensive plan," the Federal Power Commission must carefully consider many factors. It must weigh the advantages and disadvantages of proposals as they relate to navigation, flood control, electric power production, fish and wildlife conservation, recreation, pollution abatement, silt control, water supply and other factors.

To single out any one factor and give it an overriding priority would seem to be in conflict with the fundamental concept of developing water resources on a multiple-purpose basis, in which all elements must be brought into proper focus in terms of maximum combined benefits. It appears that the provisions of S. 3185 would give the Secretary of the Interior a veto power over FPC licensing authority which would be unprecedented in its scope.

In the Pacific Northwest, there is certainly need for more research and experimentation in solving the problem of passing anadromous fish upstream and downstream, with particular emphasis on the downstream passage. Encouraging progress has been made, as the Federal Power Commission pointed out in its Opinion No. 307 on the Pacific Northwest Power Co.'s application for FPC licenses to develop the Mountain Sheep and Pleasant Valley project on the Snake River. The Commission cited "studies and research carried out under Federal Power Commission licenses" in connection with the Mayfield project on the Cowlitz River, the Pelton project on the Deschutes River, the Baker project on the Baker River, and the Brownlee development on the Snake River.

We urge that these and other studies be continued and expanded so that there is more information available on the extent of the fish problem, and on methods to meet the problem. We have long taken the position that the fish problem does not pose the alternative of fish or power. Rather, we have felt that through proper research the benefits of fish and power can be obtained.

Our opposition to S. 3185 therefore is not based on a desire to minimize the importance of wise conservation of migratory fish and game. Certainly every American should recognize the economic and recreational values of such conservation, and we have consistently advocated maximum, comprehensive multiple-purpose development of our Nation's river basins. However, we do oppose S. 3185 on the grounds that no one factor involved in FPC decisions on licensing river development projects should be given a priority, through legislation, over other factors.

The CHAIRMAN. I will put in the record a statement of Milo Moore, director of fisheries of the State of Washington; a communication from Mr. Ken Billington, executive secretary, Washington Public Utility Districts' Association, Seattle, Wash.

Mr. Frank Cullen, president, Idaho, Oregon, Washington, and Montana Wildlife Federation, Coeur d'Alene, Idaho;

Mr. Howard E. Nelson, secretary, Vancouver chapter, Washington Wildlife League, Vancouver, Wash.;

Mr. Peter Nuzzolese, secretary, Orange County Federation of Sportsmen's Clubs, Goshen, N. Y.;

Mr. James H. Cellars, executive secretary, Columbia River Salmon & Tuna Packers Association, Astoria, Oreg.;

Mr. Bob Webster, chairman, fifth district, Idaho Wildlife Federation, Rexburg, Idaho;

Mr. William Westerhold, executive secretary, Columbia River Fishermen's Protective Union, Astoria, Oreg.;

Mr. C. R. Gutermuth, secretary, North American Wildlife Foundation, Washington, D. C.;

Mr. J. W. Penford, conservation director, the Izaak Walton League of America, Inc., Washington, D. C.

(The documents referred to follow:)

STATE OF WASHINGTON,
DEPARTMENT OF FISHERIES,
March 3, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Senate Subcommittee on Merchant Marine and Fisheries,
Senate of the United States, Washington, D. C.*

DEAR SENATOR MAGNUSON: Letters from the Western Association of State Game & Fish Commissions and the Pacific Marine Fisheries Commission note that the Subcommittee on Merchant Marine and Fisheries will hold hearings on March 6 and 7, 1958, on S. 3185, to promote the conservation of migratory fish and game by requiring certain approval by the Secretary of the Interior of licenses issued under the Federal Power Act.

The Department of Fisheries of the State of Washington, in company with the other fish and game agencies of the coastal States, endorses the passage of this measure.

S. 3185 would have a major influence on the conservation of salmon runs in the rivers of the west coast.

Issuance of license for hydroelectric projects by the Federal Power Commission over the protests of the States, and in many instances regardless of the overwhelming evidence of damage to the fisheries recognized by the reports of Federal Power Commission examiners, has posed serious threats to various important salmon runs, and proposed future developments present even more serious threats.

The States are therefore confronted with an intolerable situation in that their conservation agencies have a statutory responsibility to maintain and conserve migratory fish, while a Federal agency, the Federal Power Commission has exercised final and overriding authority in approval of projects which may seriously damage the fishing industry of the States.

The Department of Fisheries of the State of Washington is of the opinion that S. 3185, if enacted, would be a major advance in assuring the perpetuation of the value of the anadromous fish runs which the State is charged with protecting.

However, if the act is to yield its full benefit, there should be explicit provisions for the States to participate in the review of projects, together with the Fish and Wildlife Service.

The following amendment would make such participation a part of established procedure and would assist the Secretary of the Interior in reaching a decision based on full and complete information.

Suggested amendment: Line 9: "and with the fish and wildlife conservation agencies of the States affected".

Very truly yours,

MILO MOORE, *Director.*

THE IZAAK WALTON LEAGUE OF AMERICA, INC.,
Washington, D. C., March 6, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Subcommittee on Merchant Marine and Fisheries, Committee
on Interstate and Foreign Commerce, United States Senate, Washington,
D. C.*

DEAR SENATOR MAGNUSON: This bill in basic purpose and objective would carry the principle of the Coordination Act further by requiring the Federal Power Commission to secure the approval of the Secretary of Interior, before issuing a license for a project proposal that would affect migratory fish and wildlife.

It seems evident that this legislation was conceived in the aftermath of the FPC decision on proposals to construct dams at the Pleasant Valley and Mountain Sheep sites on the middle reach of the Snake River, which decision shocked to the marrow the conservationists and sportsmen of the Nation, and of the Northwest particularly.

In turning down the application for license to construct these projects, the FPC invited power interests to build a high dam at the Nez Perce site.

It should be pointed out, in explanation, that the major portion of the 250,000 anadromous fish reaching the Snake River, spawn in tributaries above the Nez Perce site, principally the Salmon and Imnaha. Sportsmen are no longer much

concerned about dams, such as Pleasant Valley and Mountain Sheep, constructed above the mouth of the Imnaha. Main stem of the Snake above this point is already blocked by Brownlee Dam, now nearing completion. In other words, above the mouth of the Imnaha, the decision has already been made, for better or worse, Brownlee is there.

Nez Perce, however, which FPC wishes constructed, is located below the mouth of the Imnaha and below the mouth of the fabled Salmon River. It would block completely the last major anadromous fish run in the Columbia Basin. FPC writes off this immeasurably important resource value by glibly stating that the problem of getting fish over high dams on their upstream and downstream migrations will shortly be solved. There is no basis whatsoever for any such optimistic assertion. Fish migration over 100-foot dams has not been solved. Trapping adult fish and trucking them up and above is being attempted at 277-foot Brownlee and 150-foot Pelton. But getting the fingerlings back down is something else. They cannot survive the high drop through turbines and methods of skimming them out of the water, especially behind a dam with water fluctuation of 100 feet or more is a problem that will likely take years of trial and error to solve, if it can be solved at all.

Yet FPC states this is no problem. Let us build a 595-foot dam at Nez Perce, they say. It would, of course, with present knowledge, solve the anadromous fish problem in the middle and upper Snake as Grand Coulee solved it on the main stem—by eliminating the fish.

Conservationists and sportsmen are solidly opposed to Nez Perce Dam and high dams on the Clearwater and the Salmon. This opposition will continue, and properly, until such time as research and practical experimentation have proved beyond a doubt that the anadromous fish upstream and downstream runs can be adequately maintained over a high dam and a series of high dams.

We believe the Congress should take positive steps to assure that the Imnaha, Grande Ronde, Salmon, and Clearwater, and the Snake River from a point above the mouth of the Imnaha to its mouth, be protected from further dams until the assurances called for in the previous paragraph have been accomplished.

Along with this action, we believe Congress should authorize a crash program of basic and applied anadromous fish research in cooperation with the appropriate agencies of the States directly concerned with the Columbia Basin.

With such a positive program implemented, there would be a real chance to preserve the anadromous fish of the Columbia and at the same time develop the necessary power and flood protection.

Respectfully,

J. W. PENFOLD,
Conservation Director.

NATIONAL WILDLIFE FEDERATION,
Washington, D. C., March 18, 1958.

Hon. WARREN G. MAGNUSON,
Chairman, Subcommittee on Merchant Marine and Fisheries, Committee on Interstate and Foreign Commerce, United States Capitol, Washington, D. C.

DEAR SENATOR MAGNUSON: In behalf of the National Wildlife Federation, I wish to thank you and the committee for scheduling hearings on the duck stamp amendments, your bill to authorize research on chemical pesticides, Senator Neuberger's S. 3185, and other wildlife matters, which hearings were held March 6 and 7. As time ran out before we had an opportunity to testify on all of these important measures, I should like that this letter appear in the record as a means of showing our endorsement of the principles and objectives of S. 3185. The National Wildlife Federation believes this is important legislation that would protect a significant sphere of public interest and we respectfully request that it be reported favorably.

If it is deemed necessary to change the specific language of S. 3185, we should like to endorse the alternate language suggested by witnesses for the Department of the Interior. Such language, as I understand it, would not grant the Secretary of the Interior an outright veto on the basis of fish and wildlife effects but would nevertheless assure that wildlife conservation would be given due and timely consideration by the Federal Power Commission before any license is granted for hydroelectric development.

It is my honor also to serve as chairman of the legislative committee of the International Association of Game, Fish and Conservation Commissioners. At an executive committee meeting, held in St. Louis, Mo., March 4, 1958, the international association went on record also as endorsing the objectives of S. 3185.

Thank you for considering our views and our requests that this letter be made a part of the record.

Sincerely yours,

CHARLES H. CALLISON,
Conservation Director.

THE WILDERNESS SOCIETY,
Washington, D. C., April 1, 1958.

HON. WARREN G. MAGNUSON,

Chairman, Subcommittee on Merchant Marine and Fisheries, Senate Committee on Interstate and Foreign Commerce, Senate Office Building, Washington, D. C.

DEAR SENATOR MAGNUSON: I am sorry that, because of Asian flu, I was unable to appear before your committee to present a statement in support of Senator Neuberger's S. 3185, a bill to promote the conservation of migratory fish and game by requiring certain approval by the Secretary of the Interior of licenses issued under the Federal Power Act.

The Wilderness Society, a national nonprofit citizen's conservation organization of more than 11,000 members in the United States, the Territories of Alaska and Hawaii, and other countries, endorses this bill.

We observe that testimony before your committee showed that there is adequate precedent for amending the Federal Power Act in order to protect valuable resources. The testimony further shows, through examples citing the problems of husbanding the diminishing spawning areas of anadromous fishes in the Columbia River system, and the difficulty of assuring safe fish passage over high dams, both on upstream and downstream migrations, the necessity for authoritative judgments on the effects of structures to be licensed by the Federal Power Commission. The Commission is quoted as saying that "fishery experts have made great strides" in enabling migratory fish to pass high dams, but this statement is disputed, and it is known that fishery biologists are still exploring means to assure safe passage of anadromous fish.

The value of the fishery resource as a storehouse for the pantry of the Nation, as well as for its invaluable beneficial recreational aspects, needs to be strongly considered when studying plans for proposed impoundments and their structures. These considerations have not always been given sufficient recognition by the Federal Power Commission.

We believe that Senator Neuberger's statement before your committee described the issue with clarity when he said, "* * * potential dam development brings us face to face with the question of power production versus migratory fish survival."

We are glad, along with our cooperating conservation organizations, to endorse this legislation. We would be pleased to have this communication made a part of the official record of the hearings.

Sincerely,

HOWARD ZAHNISER,
Executive Secretary and Editor.

NATIONAL PARKS ASSOCIATION,
Washington, D. C., March 7, 1958.

STATEMENT OF THE NATIONAL PARKS ASSOCIATION ON S. 3185

The National Parks Association wishes to register its support of S. 3185, Senator Neuberger's bill, which would amend the Federal Power Act to provide "that no license shall be issued until the plans for the project have been approved by the Secretary of the Interior, after consultation with the Fish and Wildlife Service of the Department of the Interior, as not being detrimental to the conservation of migrating fish and game."

The effect of this amendment is to give the Department of the Interior opportunity to review water development projects proposed for Federal Power Commission licensing on exactly the same basis that the same act now requires approval to be secured by the Chief of Engineers and the Secretary of the Army with regard to potential effects on navigation. There is a large volume of

evidence, which we need not repeat here, of the actual damage done to our fish and wildlife resources by some dams built in the past. The potential damage to these resources by such proposed structures as the Nez Perce Dam, the Bruce's Eddy Dam, and others is great. It is entirely proper that the Fish and Wildlife Service not only be given opportunity to determine the facts about the impact of such projects on our wildlife resources, but also that the Secretary of the Interior possess the authority to prevent serious detriment to these resources when occasion warrants.

It is to be noted a similar question arose nearly 30 years ago with regard to the effect of such projects on our national parks and monuments. So important were these resources held to be that issuance of FPC licenses in those areas was prohibited; and the Federal Power Act would not have been signed by the President had this restrictive amendment not been promised by the Congress. But for this provision, it is certain a number of our most priceless national parks and monuments would have been impaired by major construction projects in them.

It is not necessary nor feasible to advocate so adamant a prohibition against power projects as they relate to wildlife. There is urgent need, however, to provide means whereby the views of the Fish and Wildlife Service can be obtained and given force when license applications are being considered by the FPC. When a project is contemplated which would affect several resources, the relative values must be balanced against each other, and the highest and greatest benefits to the nation as a whole must be considered paramount.

FRED M. PACKARD,
Executive Secretary.

SEATTLE WASH., February 20, 1958.

HON. WARREN G. MAGNUSON,
United States Senate, Washington, D. C.

The State of Washington, Department of Fisheries, endorses and urges passage of Senator Neuberger's bill, S. 3185, to amend subsection (e), section 4, Federal Power Act, in the interest of conservation of migratory fish and game.

MIL0 MOORE,
Director of Fisheries.

WASHINGTON PUBLIC UTILITY DISTRICTS' ASSOCIATION,
Seattle, Wash., February 27, 1958.

Subject: Hearings on S. 3185, March 6-7, 1958.

Senator WARREN G. MAGNUSON,
Chairman, Senate Committee on Interstate and Foreign Commerce, Senate Office Building, Washington, D. C.

DEAR SENATOR MAGNUSON: We would appreciate committee approval for inclusion in the record of the hearings on S. 3185 the enclosed statement on behalf of the Washington Public Utility Districts' Association.

It will be impossible for any representative of our group to be in Washington, D. C., at the time of the hearings, but we wish consideration of our views in opposition to S. 3185.

Sincerely yours,

KEN BILLINGTON,
Executive Secretary.

STATEMENT BY THE WASHINGTON PUBLIC UTILITY DISTRICTS' ASSOCIATION RELATIVE TO S. 3185

The Washington Public Utility Districts' Association is comprised of membership from 24 public utility districts operating electric and water utilities throughout the State of Washington serving in excess of 240,000 customer-owners. We are actively interested in the proper and orderly development of the water resources in the Pacific Northwest under the Federal Power Act. We have studied S. 3185, titled "A bill to promote the conservation of migratory fish and game by requiring certain approval by Secretary of Interior of licenses issued under the Federal Power Act." By action of our board taken in its meeting of February 21, 1958, we are opposed to S. 3185 as presently worded. This legislation, if passed by Congress, would grant the Secretary of the Interior an absolute veto power over the licensing powers of the Federal Power Commission. We feel this would be a delegation of authority now held by the legislative branch of

the Government to the administrative branch of government and is not in keeping with a proper concept in democratic government.

It would appear that the wording would even make such a veto practically mandatory because it places such a high standard for the evaluation of the effects a proposed project may have upon migratory fish and wildlife that virtually no project could qualify for the approval of the Fish and Wildlife Service of the Department of the Interior.

The amendment states that plans for any project must be approved by the Secretary of the Interior as not being detrimental to the conservation of migratory fish and game. The building of any type of structure in a wilderness area or in any streambed is bound to have an effect on the migratory fish and game. The mere presence of civilization could be stated as being detrimental to the conservation of such migratory fish and game. Even with the most perfect of fish passage facilities and replacement hatcheries, it would be impossible to unequivocally state that a structure was not detrimental to the conservation of migratory fish and game.

We believe it would be better to take an affirmative approach rather than the negative approach which S. 3185 takes to the problems which are involved when power dams are built on rivers. We would call to the committee's attention S. 2847, a bill introduced in the first session of this Congress which redefines and reemphasizes the term "comprehensive" as used in the Federal Power Act. Emphasis is placed on the affirmative interpretation that any project granted a license must be best adapted to improving or developing the water resources of a river basin in order to obtain by integrated operation the maximum amount of net public benefits. Included in the net public benefits would naturally be the items of commercial and sport fisheries, wildlife and recreation benefits, as well as other water resource benefits. It is our view that with favorable action on S. 2847 by the Congress there would be no need for the restrictive legislation proposed in S. 3185.

After passage of S. 2847, legislation requiring that plans for any project must be approved by the Secretary of the Interior prior to licensing might be in order on a basis similar to the rights of the Secretary of the Army. But if this was to be done we would recommend the deletion of the last 26 words of S. 3185 beginning with the words "after consultation with" in line 8 of the printed bill because there are other interests besides the Fish and Wildlife Service of the Department of the Interior which come under the Secretary of the Interior and which might have a valid right for consideration in any project plans.

We would recommend rejection of S. 3185 by the committee through support for S. 2847.

COEUR D'ALENE, IDAHO, January 30, 1958.

Hon. RICHARD NEUBERGER,

Senate Office Building, Washington, D. C.

DEAR SENATOR NEUBERGER: It was indeed a pleasure for me to read in our local press your action taken in presenting a bill (S. 3185) for the United States Fish and Wildlife Service to approve fish passing facilities before the Federal Power Commission could issue a building permit to any agency interested in dam construction on our waterways.

For your information, and I hope your approval, I am forwarding to you a resolution recently presented, endorsed, and passed without a dissenting vote at the annual meeting of the Montana, Idaho, and Washington Wildlife Federation. On December 11, 1957, the Washington State Sports Council approved this resolution. I took the identical measure to Kalispell where it was approved on January 12, 1958, also to Boise on January 19, where it was approved by the Idaho federation. However, Oregon and Wyoming, to my knowledge, have not acted as yet, but I do believe you will be hearing from them soon.

Thanking you for your interest in our conservation problems, I remain,
Sincerely,

FRANK CULLEN,
President, Idaho, Oregon, Washington, and Montana Wildlife Federation.

EMERGENCY RESOLUTION

Whereas the Federal Power Commission has the power to issue a license for constructing a dam on a navigable stream; and

Whereas the Federal Power Act spells out the proviso "That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of War"; and

Whereas the fishery resource in the river to be licensed for a dam should be given the same consideration to assure its unobstructed passage both upstream and downstream; and

Whereas anadromous fishery provides a great source of high-protein food for the Nation as well as providing thousands of jobs for people as well as other benefits for the States and the Nation and therefore their migration route should be assured during the planning phases of any dam on a navigable stream for which a FPC license is issued or considered for issuance: Now, therefore, be it

Resolved by the Washington State Sportsmen's Council in convention at Spokane, Wash., on this 15th day of December 1957, That the congressional delegations from Washington, Oregon, Montana, Idaho, and others be urgently requested to enact legislation which will add to section 4 (e) (as amended August 26, 1935) the proviso "That no license affecting the migration of anadromous fish in any navigable waters of the United States or streams flowing through or adjacent to lands owned by the Federal Government shall be issued until the plans for fish passage facilities have been approved by the Bureau of Sport Fisheries and Wildlife and the Bureau of Commercial Fisheries of the United States Fish and Wildlife Service; and be it further

Resolved, That council action will be instituted prior to the January opening of Congress and the the National Wildlife Federation be requested to assist the passage of said legislation and the Idaho-Oregon-Washington-Montana-Wyoming Wildlife Federation be requested to exert their influence upon their own congressional delegations to effect passage of this legislation.

(Submitted by the Vancouver chapter, Washington Wildlife League.)

MEMORANDUM

From: Frank Cullen, chairman of dams and waterways committee, District No. 1, Idaho Wildlife Federation.
To: All district chairmen.

I am convinced that in the past several weeks following the latest fiasco of the Federal Power Commission in recommending that a fish-killing dam be built at Nez Perce, you have reflected as never before on the very real disaster facing the Northwest's great fishery.

Doubtless you have had uppermost in your thoughts, "what can I do now to overcome the wanton action of a powerful Federal Commission which ignored the one sure way to protect the valuable salmon and steelhead runs of the Salmon and Imnaha Rivers when they wouldn't authorize Mountain Sheep and Pleasant Valley?"

As you know our own statewide federation had, only a short time before FPC announced its unreasonable decision, passed another strong resolution opposing Nez Perce and endorsing Mountain Sheep and Pleasant Valley. As they have done so many times before, the Commission turned a deaf ear to earnest and patient pleas. They held in contempt the expert opinion of your biologists, and in effect, told you and the rest of the people of this region that you don't know anything about fish.

Also, as you have probably noted, Idaho's Department of Fish and Game immediately protested the decision of the Commission. Many other sports groups and commercial interests are now doing the same.

But where will it lead? Will it bring the FPC to its senses for a reversal of the decision?

Your dam committee doesn't think so. Since the whole sorry mess was cooked up in a political pot to begin with, it hardly seems likely that these usual methods of protest will change the Commission's attitude from belligerence to cooperation.

That Commission sits in a marble hall 3,000 miles away from your problem. They are ruled only by politics.

And we better not forget that the Northwest power combine that tried to build Mountain Sheep and Pleasant Valley stands now in the middle of this whole blunder. We know Washington Water Power and the other private utilities in that group need power to supply a lot of customers, and they have been quoted in the press since the unfavorable decision that they "intend to fulfill that responsibility."

The company hasn't announced a new course of action yet, but I read where at their first meeting following the FPC decision it said it still has an interest in the middle Snake. Actually, those companies have up to date shown surprising good faith in working for our best interests rather than against them, but right now they have in their lap an open invitation from FPC to ask for a license for Nez Perce. If they don't do it, somebody else will.

That's where we come in.

It is my sincere belief that as individual conservationists we may have dallied too long. We have followed the easy course of either just being against all dams, or of letting big organizations speak for us through our proxy of membership. Normally that may be fine—but not this time. The stakes are too high. If Nez Perce is built we might as well quit.

We need more than anything to form a solid front and tell the Federal Power Commission, the administration and all the politicians who were permitted to get into office, that as individual citizens and wage earners we have been sold down the river. What's more, we should find as many neighbors and friends as we can to join us in this important fight.

This committee feels we should act right now. Precious time has already slipped by, and there are many political schemes being hatched that will leave us holding an empty net.

We think you would be most wise to immediately encourage your entire membership to protest as individuals. Ask them to make it plain and simple, but loud and clear. They don't need to entangle themselves with a lot of figures. All the facts about the value of the Salmon River and the lack of a solution to fish passage problems are in the record.

Just get them to write or wire or visit the people who can do something about this thing. Tell them to point out in no uncertain terms that if Pacific Northwest Power or any other group—public or private—tries to build at Nez Perce, we will show them a controversy such as they've never seen before. Encourage them to again support Mountain Sheep and Pleasant Valley as a project that will not only protect our fishery resource, but also provide power in a hurry for new jobs and a shot-in-the-arm for our jittery economy. Remind them that the Oregon Water Resources Board after a long study recently announced there was no need to quibble over any of the several alternate plans of development in the middle Snake because they were all about equal—except the combination with Nez Perce would destroy fish.

We've got to win this fight. Only the unified voice of your people among thousands of other Northwest citizens can do it.

Be a one-man lobby. Address your protests now to the Federal Power Commission, the White House, your congressional delegation, Gov. Robert Smylie, and the congressional delegations of other Northwest States.

STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

Boise, Idaho

Resolution adopted January 21, 1958, by the Idaho Fish and Game Commission, Boise, Idaho:

Be it resolved, That, whereas the Federal Power Commission in its ruling of January 20, 1958, did deny the application for the construction of Mountain Sheep and Pleasant Valley Dams on the Snake River; and

Whereas the sites of these two proposed dams are above the mouth of the Salmon River, as are also the three Hells Canyon Dams heretofore licensed to the Idaho Power Co., and therefore present a hazard limited to the anadromous fish runs that pass up the Snake to tributaries above the Salmon; and

Whereas the possibility of safe fish passage over high dams is far from established at the present time but is being attempted at Brownlee; and

Whereas even if fish passage facilities at Brownlee and other upstream sites should prove satisfactory, this will provide no assurance that the same systems would work in connection with the much higher structure proposed for the Nez Perce site, and under the additional physical and ecological changes caused by the larger impoundment; and

Whereas the Salmon River is the most important anadromous fish spawning area in the Columbia River system, and the opinion expressed by the Federal Power Commission favoring construction at the Nez Perce site is in direct conflict with the responsibility of the Idaho Fish and Game Commission to maintain the salmon and steelhead runs of the Columbia River system; and

Whereas in summary, the two upstream dams would affect a part of the Snake River salmon and steelhead runs, while the more intense effects of construction of the higher Nez Perce Dam would fall upon all anadromous fish runs attempting to spawn anywhere in the Salmon or above: Now, therefore, be it

Resolved, That the Idaho Fish and Game Commission earnestly protects the decision of the Federal Power Commission in favoring the Nez Perce proposal over the upstream dams at Pleasant Valley and Mountain Sheep sites.

VANCOUVER CHAPTER, WASHINGTON WILDLIFE LEAGUE,

Vancouver, Wash., March 2, 1958.

WARREN G. MAGNUSON,

Senator from Washington,

Senate Office Building, Washington, D. C.

HONORABLE SENATOR: Reference S. 3185, sponsored by Senator Neuberger, which requires the Secretary of the Interior, on the advice of the Fish and Wildlife Service, to approve facilities for passage of fish over dams.

It appears that the intent of this bill is the same as written in a resolution by this organization and passed by the last meeting of the Washington State Sportsmen's Council in Spokane, Wash., in December 1957. A copy of this resolution is attached.

This organization of over 635 members is definitely in accord with this bill for several reasons. Our fishery resources must be allowed to reach their spawning grounds in goodly numbers and their young must be able to go downstream without being decimated by inadequate fish passage facilities. To accomplish this feat, the structures or devices constructed for the purpose have to function without doubt. The adequacy of these facilities can best be determined by biologists who are in this business rather than persons who are primarily interested in just pouring dams of concrete to generate electricity.

It is rumored that the passage of this bill would give the Fish and Wildlife Service veto power over the construction of dams. Anyone knowing the sincerity of the biologists of the Service know that they would not arbitrarily give a negative report on inspected facilities. Should the structures not be adequate for fish passage then they should not be approved because of the very great importance and high value of the fishery resource from both the commercial and sports fishery standpoint.

The only group who could possibly object to this bill is possibly the Federal Power Commission. They should not object to it because in their decision on the Nez Perce Dam they said that the problem of fish passage over high dams can be solved or is no greater than over other dams. If this is so, the Fish and Wildlife Service knows it and will approve plans for high dams.

It is a well-known fact that the fishery resource is important from not only the financial and recreational standpoint but as a most important source of high protein food. Our increasing population is going to require this food in increasing amounts and the future stocks of this fishery must be assured. One of the best ways to do this is to place the responsibility for approval of fish passage facilities into the hands of biologists and a department who have definite knowledge of fish habits and of the problems to be met to pass them both ways without great loss over dams.

Senator, we sincerely urge you to actively work for the passage of S. 3185. It is imperative that this bill be passed in the interests of the future of our fishery resources.

We also request that this letter be made a part of the hearing on S. 3185.

Thank you for your cooperation in this request.

Conservationally yours,

HOWARD E. NELSON, *Secretary.*

EMERGENCY RESOLUTION No. 4

Whereas the Federal Power Commission has the power to issue a license for construction of a dam on a navigable stream, and

Whereas the Federal Power Act spells out the proviso that "no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of War," and

Whereas the fishery resources in the river to be licensed for a dam should be given the same consideration to assure its unobstructed passage, both upstream and downstream, and

Whereas anadromous fishery provides a great source of high protein food for the Nation as well as providing thousands of jobs for people as well as other benefits for the States and the Nation and therefore their migration route should be assured during the planning phases of any dam on a navigable stream for which a FPC license is issued or considered for issuance: now, therefore, be it

Resolved by the Washington State Sportsmen's Council in convention assembled at Spokane, Wash., on this 15th day of December 1957, That the congressional delegations from Washington, Oregon, Montana, Idaho, and others be urgently requested to enact legislation which will add to section (e) (as amended August 26, 1935) the proviso "That no license affecting the migration of anadromous fish in any navigable waters of the United States or of streams flowing through or adjacent to lands owned by the Federal Government, shall be issued until the plans for fish passage facilities have been approved by the Bureau of Sports Fisheries and Wildlife and the Bureau of Commercial Fisheries of the United States Fish and Wildlife Service: and be it further

Resolved, That council action will be instituted prior to the January opening of Congress and that the National Wildlife Federation be requested to assist the passage of said legislation and the Idaho-Oregon-Washington-Montana-Wyoming Wildlife Federation be requested to exert their influence upon their own congressional delegation to effect passage of this legislation.

Submitted by the Vancouver chapter, Washington Wildlife League.

Adopted by the Washington State Sportsmen's Council, December 15, 1957.

ORANGE COUNTY FEDERATION OF SPORTSMEN'S CLUBS,
Goshen, N. Y., February 25, 1958.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
United States Senate.

DEAR SIR: As per your letter to Mr. W. L. Shafer enclosed please find 25 copies of statements as per your request.

The Orange County Federation of Sportsmen's Clubs with a membership of over 14,000 members would like to go on record as being in favor of the passage of the following important bills, S. 2447, S. 2496, S. 2617, S. 3185, which are so vital to our country if we are to protect and preserve our fish and wildlife and maintain our valuable natural resources. So our waters can be restored, our forests replanted, our wildlife replenished, our rivers and lakes made to furnish once again their rich quota of clean pure water and life necessities.

Yours in sports,

PETER NUZZOLESE, *Secretary.*

STATEMENT PRESENTED BY THE COLUMBIA RIVER SALMON AND TUNA PACKERS
ASSOCIATION ENDORSING THE PASSAGE OF S. 3185

The membership of the Columbia River Salmon and Tuna Packers Association includes individuals, companies, and corporations engaged in the business of processing, marketing, and distributing fish and other waterfood products. Our membership in the course of usual operations processes over 90 percent of the commercial salmon catch taken on and in the vicinity of the Columbia River.

The purpose of this statement is to urge the passage by the Congress of Senate bill 3185 which, in effect, would give the United States Fish and Wildlife Service collateral jurisdiction in Federal Power Commission decisions regarding the issuance of licenses to construct dams or other obstructions in

rivers or other water areas where such obstructions may be obstacles in the path of substantial migrations of anadromous food fish.

The particular interest of this association is related to the Columbia River Basin. The Columbia River and its tributaries have supported a salmon resource which has been commercially exploited for over a century. In that period this resource has brought in well over a billion dollars in new money into the Pacific Northwest. According to a recent survey by the United States Fish and Wildlife Service, this resource produces an annual income in excess of \$17 million in its commercial and recreational fishery aspects. As related to the commercial fishery, this value is based upon processor levels. The final value of the annual return from this resource, with commercial production rated at retail prices, is in excess of \$21 million. Capitalized on a 4 percent per annum return basis, this would represent an investment of close to half a billion dollars.

This resource is capable of indefinite harvesting if the spawning habitat of the salmon is not too greatly disturbed and the path of these fish, moving to and from the ocean, is kept open. While the monetary value of this resource is substantial at the present time, it may be greatly increased in the future. It is estimated that Columbia River spawned salmon produce some 35 million pounds of fine protein food each year. As protein food is one of the most scarce items in the world today, and many economists agree that it will grow more and more scarce as the world population increases, food of this type may well have a value to which it is difficult to affix a dollar mark at the present time.

During the past 30 years this resource has been seriously threatened by the erection of power dams in the main Columbia River and its tributaries. Unfortunately, when the initial construction of these dams began, little attention was paid to fish passage problems, with the result that many fine runs of salmon were decimated and available spawning areas were reduced some 75 percent. During more recent years fish passage facilities have been installed in a number of such structures. However, even today there does not exist any large body of factual evidence as to the efficiency of these facilities, particularly those in regard to the downstream passage of the young salmon.

It is our feeling that too often the decision to grant licenses to build such structures has been made with scant regard to fishery problems. The Federal Power Commission is a body designated by the Congress to approve or reject proposals to build power dams on navigable rivers of this country. Its interests naturally are centered upon the matter of power. There does not exist any impelling reason for this body to give adequate consideration to the fishery resource which may be affected in the course of developing the power potential of any such river, and it has notably failed to do so in a number of recent decisions.

The Federal Power Commission is controlled to some extent by the present statute which compels it to obtain approval from the United States Engineers Corps in relation to the effect any proposed structure may have on navigation. The fishery has no legal voice.

We believe the inherent values of the salmon resource of the Columbia River justify the conveyance by the Congress to the Fish and Wildlife Service of corollary authority in the matter of Federal Power Commission licenses similar to that held by the United States Engineers Corps.

Another factor which deserves your consideration involves past and current expenditures of millions of dollars for fish-passage facilities over dams already existing or under construction in the Columbia River Basin. It does not seem reasonable that the values, which are the objective of these expenditures, should be subject to elimination at any time by the decision of a commission which has no primary interest in the fishery resource. That such a thing might happen is indicated by a recent statement by the Federal Power Commission in connection with its rejection of license applications by the Pacific Northwest Power Co., in which the Commission endorsed the construction of a 700-foot dam on what is known as the Nez Perce site on the Snake River, a tributary of the Columbia. Such a dam would present an impassible obstacle in the path of a substantial majority of the salmon runs entering the Columbia River and completely destroy the value of fish passage facilities erected by the Government at dams below that site.

We do not feel that the granting of such authority would endanger reasonable and proper development of the power potentials of rivers which might be involved. This industry, with its entire investment based upon such a fishery,

has never taken the position that it could make more than reasonable demands in protest to power development projects which might seriously damage the resource. We believe that this natural resource should be preserved and that it should have an authoritative voice in the matter of any development program which might endanger its existence, but also agree that in the end those phases of development which will finally be of greatest benefit to the Nation must prevail.

In conclusion, we contend that the committee should not fear that the delegation of this authority to the Secretary of the Interior will result in obstruction of the reasonable development of our river systems in all of their potential capacities to benefit the citizens of this country.

We respectfully urge your approval of this measure.

FIFTH DISTRICT IDAHO WILDLIFE FEDERATION,
Rexburg, Idaho, March 1, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Senate Committee on Interstate and Foreign Commerce,
 United States Capitol, Washington, D. C.*

GENTLEMEN: In behalf of the 13,000 southeastern Idaho sportsmen, I represent, I would like to make a few statements in regard to the bills pending before this committee.

We are, as you of course realize, genuinely interested in the perpetuation of these fish and wildlife resources and feel that we must protect them vehemently if needs be. As a matter of fact, all programs that are to benefit our posterity we feel are essentially a part of a heritage we must treasure and guard.

For these reasons we would like to go on record as favoring the following bills you are considering and solicit your support: S. 2447, S. 2496, S. 2617, S. 3185.

Sincerely,

BOB WEBSTER, *Chairman.*

COLUMBIA RIVER FISHERMEN'S PROTECTIVE UNION,
Astoria Oreg., February 28, 1958.

HON. WARREN G. MAGNUSON,
United States Senate, Washington, D. C.

DEAR SENATOR MAGNUSON: The members of the Columbia River Fishermen's Protective Union, who operate on the Columbia River, harvesting the anadromous fish which spawn in the upper reaches of the Columbia River, urge the passage by the Congress of Senate bill 3185.

Our Nation is noted for its abundance of food products, so this bill should not be overlooked, as fish is a vital food which would be destroyed by high dams. We also should look to the future as European countries have, to the day when the people will have to go to the sea for food for their growing population.

Another fact is that millions of dollars would be lost that have been spent by the Government on the lower-river rehabilitation program of fish.

Although industries are in great need of hydroelectric power, the high dams are not going to fulfill the present need, somewhere along the line thermal power will have to be used.

Many decisions are being made today that will affect our future generations, especially on the Columbia River, the greatest food fish producer of our Nation, this food fish would be annihilated if decisions are made without the protection of anadromous fish.

As you know the great Grand Coulee Dam did annihilate one species of salmon, the June salmon which spawned in the area above this dam, these fish were huge and weighed upward to 55 and 65 pounds each.

Once again, Senators, we are asking the passage of this Senate bill 3185.

Respectfully yours,

WM. WESTERHOLM, *Executive Secretary,*

PHOENIX, ARIZ., March 5, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Senate Committee Interstate and Foreign Commerce,
 Washington, D. C.*

The Arizona Game and Fish Commission in behalf of the sportsmen of the State wholeheartedly support S. 3185 to require prior approval by the Secretary.

of Interior as to the fish and wildlife effects before the Federal Power Commission could issue a permit for a dam. We are also in favor of S. 2447 authorizing a program of research into the effects of chemical pesticides, and would like to see it expanded to include all herbicides, as well as pesticides. Would also like to go on record as supporting S. 2617 which amends the Duck Stamp Act but would like to see the \$2 fee raised to \$3 with at least 65 percent of the receipts earmarked for waterfowl area acquisitions.

R. J. SMITH,
Acting Director, Arizona Game and Fish Department.

STATEMENT OF DR. SPENCER M. SMITH, JR., SECRETARY OF THE CITIZENS' COMMITTEE
ON NATURAL RESOURCES

The Citizens' Committee on Natural Resources urges that S. 3185 be given early and favorable consideration. The bill amends the Federal Power Act in that licenses for a dam can be issued by the Federal Power Commission only after the plans for the project are approved by the Secretary of the Interior, which would include a statement that such project would not be injurious to fish and wildlife resources.

A specific instance of fish and wildlife jeopardy is indicated in the present controversy over the private power company's handling of the fish at Brownlee Dam. The Oregon Fish and Game Commission has contended that the private power company is not properly providing for the handling of fish at the Brownlee damsite. It was thought that the company had undertaken this responsibility at the time the license was granted. Fish and wildlife agencies, both public and private, are now much concerned as to the action of the company in failing to meet what many consider minimal provisions for the protection of the fish.

It is hoped in the future if S. 3185 would become law that fish and wildlife resources would achieve adequate protection.

ALASKA FISHERMEN'S UNION,
Seattle, Wash., February 20, 1958.

Senator WARREN G. MAGNUSON,
Senate Office Building, Washington, D. C.

DEAR SENATOR MAGNUSON: This is in response to your letter of February 13 regarding Senate bills 2447, 2617, and 3185. We will be unable to appear to offer testimony on these particular bills.

We are in favor of your efforts on the bills in question, and hereby endorse them.

Sincerely yours,

GEORGE JOHANSEN,
Secretary-Treasurer.

MARCH 4, 1958.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Committee on Interstate and Foreign Commerce, Senate Office Building, Washington, D. C.

(Attention Mr. Harry C. Huse, room G-16, United States Capitol.)

DEAR SENATOR MAGNUSON: The Western Association of State Game & Fish Commissioners have requested that I inform you of action taken by the association relative to certain conservation measures which are being considered by you and your committee at the present time.

At a special meeting of the Western Association, held at St. Louis, Mo., on March 2, 1958, in connection with the North American Wildlife Conference, representatives of the association took action to endorse the following bills:

S. 2447, a bill to direct the Secretary of the Interior to conduct studies of chemical control agents and their effects on fish and wildlife.

S. 2496, a bill to amend the act entitled "Act to promote the conservation of wildlife, fish, and game, and for other purposes," approved March 10, 1934, as amended, known as the Coordination Act.

S. 2617, a bill to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended. It is understood that this amendment would provide for earmarking 65 percent of duck-stamp funds for land acquisition.

S. 3185, a bill to promote conservation of migratory fish and game by requiring certain approval by the Secretary of the Interior of licenses issued under the Federal Power Act.

Favorable consideration of these measures by your committee will be appreciated sincerely by the Western Association of State Game & Fish Commissioners.

Very truly yours,

BEN GLADING, *Secretary.*

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., March 6, 1958.

HON. WARREN G. MAGNUSON,

*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: Your committee has requested a report on S. 3185, a bill to promote the conservation of migratory fish and game by requiring certain approval by the Secretary of the Interior of licenses issued under the Federal Power Act.

The Federal Power Commission is an independent agency. To the broad powers of the Commission, the Congress has imposed few conditions necessitating the approval of executive departments. These provisions are as follows: Section 4 (e) of the act dealing with licenses affecting the capacity of navigable waters and licenses affecting reserved lands; section 10 (e) relative to the charges for the use of facilities of Federal reclamation projects; and section 18 relating to the installation of navigable aids and fishways. Congress has also provided in section 10 (e) for the approval by the Indian tribe affected of charges for the use of tribal lands of organized Indian tribes.

The bill provides, in effect, that this Department may exercise a veto power in behalf of fish and wildlife matters in connection with the issuance of a license by the Commission. It, therefore, adds a major category of cases in which approval of an executive department is needed before the Federal Power Commission may act. Since the issue is one of imposing such a limitation, this Department is of the opinion that S. 3185 raises an issue which Congress itself should decide.

While this Department stands ready to utilize any lawful authority granted to it by Congress there appears to be a real question as to whether in this controversial area the Federal Power Commission should be subservient to an executive department. We have in the past made recommendations to the Federal Power Commission not only to prevent detrimental effects upon migratory fish or other wildlife resources, but also to suggest methods and means through which these vital resources could be enhanced. The amendments to the Coordination Act of 1946 which we intend to submit to your committee in the near future will reflect this broader scope of review.

In the event the Congress is disposed to enact legislation along the lines of S. 3185, we suggest the following revision:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (e) of section 4 of the Federal Power Act is amended by inserting before the period at the end thereof a colon and the following: "And provided further, That no license affecting fish or wildlife resources shall be issued until the plans of the dam or other structures affecting such fish and wildlife resources have been approved by the Secretary of the Interior."

We suggest this approach because the standard of not being "detrimental" which would be imposed by S. 3185 would preclude any evaluation of the relative values involved.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

O. HATFIELD CHILSON,
Under Secretary of the Interior.

[S. 2847, 85th Cong., 1st sess.]

A BILL To amend the Federal Power Act, as amended, to require that the Federal Power Commission shall license only those projects which are best adapted to improving or developing the water resources of a river basin, in order to obtain by integrated operation the maximum amount of net public benefits, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Federal Power Act (16 U. S. C. 796) is amended by adding at the end thereof the following:

"(17) 'Comprehensive Plan' means the best of alternative plans for a project or projects for improving or developing the water resources of a river basin to obtain by integrated operation the maximum amount of net public benefits from such resources for all beneficial public uses during the economic service life of existing and potential projects.

"(18) 'A project best adapted to a comprehensive plan' means that project which, by itself or in combination with other existing and potential projects, enables the best comprehensive plan to contribute by integrated operation the maximum amount of net public benefits as compared with alternative projects and alternative comprehensive plans.

"(19) 'Net public benefits' means the difference between the estimated measurable dollar value of all beneficial public uses and the estimated measurable dollar cost of obtaining those beneficial public uses during the economic service life of a project. Costs and benefits of each project shall be valued by the Commission on the basis of the costs and benefits that would be incurred by or accrue to whoever is considered to construct the project. Where the project could be considered to be constructed by the United States, the costs shall be based on those which actually would be incurred by Federal construction agencies and the rate of interest used, unless otherwise provided by law, shall be the average rate on all outstanding marketable obligations of the United States Treasury. Where the project would be expected to be constructed by a private corporation or non-Federal public agency, the costs and benefits shall be based on those that would be incurred by or accrue to that private corporation or non-Federal public agency. Where comparisons between projects possible for construction by the United States and by others are affected by differences in construction standards, or payments or nonpayments of taxes, or interest rates, or other factors, then the Commission shall also make comparisons in terms of physical quantities of the benefits produced in power, flood control, and other public uses, so as to show which project will produce the maximum physical benefits, provided that such comparisons shall be made only for such projects the costs of which are not in excess of the benefits according to the particular methods of measuring costs and benefits appropriate to each project.

"(20) 'Beneficial public uses' include but are not limited to uses for power generation; flood control; navigation; irrigation; commercial and sports fisheries; wildlife; recreation; domestic, industrial, and mining uses of water; salinity control; silt control; pollution control; bank stabilization; control of beach erosion; enhancement of waterfront real-estate values; improvement in water quality; improved streamflow and regulation; stabilization of water level."

SEC. 2. Subsection (a) of section 10 of the Federal Power Act (16 U. S. C. 803), as amended, is hereby repealed and the following new subsection substituted therefor:

"(a) That the project adopted, including the maps, plans, and specifications, shall be best adapted to a comprehensive plan for improving or developing a river basin for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes. The Commission shall give full consideration to any alternative projects investigated or under investigation by others including Federal agencies and to any comprehensive plans prepared by or under preparation by others including Federal agencies before determining that a project is best adapted to a comprehensive plan; and if necessary in order to secure the best project and best plan, the Commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval: *Provided*, That the Commission may license any project that it finds not best adapted to a comprehensive plan only after submitting a report with findings and recommendations to the Congress, including a report on the best alternative project, if any, and provided the Congress then authorizes the issuance of the license".

FEDERAL POWER COMMISSION REPORT ON S. 2847, 85TH CONGRESS

A BILL To amend the Federal Power Act, as amended, to require that the Federal Power Commission shall license only those projects which are best adapted to improving or developing the water resources of a river basin, in order to obtain by integrated operation the maximum amount of net public benefits, and for other purposes

Section 2 of this bill would limit the licensing powers of the Commission under part I of the Federal Power Act by removing the Commission's present authority to exercise its judgment in deciding whether or not a particular project is best adapted to a comprehensive plan of development. This result would be accomplished by deleting from section 10 (a) of the Power Act the words "shall be such as in the judgment of the Commission."¹ In addition, definitions of such terms as "comprehensive plan" and "net public benefits" proposed by section 1 of the bill when read in conjunction with the proposed amendments of section 10 (a) of the act makes it apparent that the intent of this bill is to reduce the decisions heretofore made by the Commission under section 10 (a) by the exercise of its judgment, to a decision in each particular licensing case based upon some formula or mathematical computation, with the factors to be considered being rigidly defined. Notwithstanding the fact that the Commission thereby would be precluded from exercising its expert judgment in deciding whether a project is best adapted to comprehensive river basin development, the bill proposes that section 10 (a) of the act be amended to require expressly that "the Commission shall give full consideration to any alternative projects investigated or under investigation by others including Federal agencies and to any comprehensive plans prepared by or under preparation by others including Federal agencies before determining that a project is best adapted to a comprehensive plan," a function which necessarily would call for the exercise of independent judgment otherwise denied to the Commission. Moreover, under a proviso to section 10 (a) of the Power Act as amended by this bill the Commission "may license any project that it finds not best adapted to a comprehensive plan only after submitting a report with findings and recommendations to the Congress" and securing congressional authorization to issue such license. This new proviso would presuppose the existence of the anomalous situation in which the Commission, contrary to present provisions of the Power Act, would desire the sanction of Congress to license a project that the Commission found not best adapted to a comprehensive plan. The inconsistency and unworkability of these various provisions would not only place the Commission in an administrative dilemma, but it would unquestionably lead to confusion and uncertainty, and a general undermining of public confidence in long-established and well-settled procedures, techniques, and standards for the consideration and determination of matters committed to the Commission in accordance with the policy adopted by Congress in part I of the Federal Power Act.

Section 1 of the bill would amend section 3 of the Federal Power Act by adding four new definitions, designated as follows: (17) comprehensive plan; (18) project best adapted to a comprehensive plan; (19) net public benefits; and (20) beneficial public uses.

All of the above terms except the term "net public benefits" appear in the present act and the term "net public benefits" would be added by amendment in the definition of "project best adapted to a comprehensive plan." All four terms have been considered and applied by the Commission over a period of many years and consequently have been defined generally in the decisions of the Commission.

¹ The effect of the proposed amendment is shown below. Existing portions of sec. 10 (a) that would be deleted have been enclosed in brackets [] and new portions that would be added have been *italicized*:

SEC. 10. All licenses issued under this part shall be on the following conditions:

"(a) That the project adopted, including the maps, plans, and specifications, shall [be such as in the judgment of the Commission will] be best adapted to a comprehensive plan for improving or developing a [waterway or waterways] *river basin* for the use or benefit of interstate or foreign commerce, for the improvement and utilization of waterpower development, and for other beneficial public uses, including recreational purposes. *The Commission shall give full consideration to any alternative projects investigated or under investigation by others including Federal agencies and to any comprehensive plans prepared by or under preparation by others including Federal agencies before determining that a project is best adapted to a comprehensive plan; and if necessary in order to secure [such] the best project and best plan, the Commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval: Provided, That the Commission may license any project that it finds not best adapted to a comprehensive plan only after submitting a report with findings and recommendations to the Congress, including a report on the best alternative project, if any, and provided the Congress then authorizes the issuance of the license.*"

However, the definition of each term may vary to some extent from case to case depending upon the particular circumstances and conditions existing at a particular time. Consequently, it does not appear either feasible or desirable to attempt to attribute such precise meaning to each term as is proposed under section 1 of the bill.

It is the Commission's responsibility to cooperate in planning for the best possible utilization of hydroelectric power resources for the benefit of the greatest number of people and accordingly it undertakes to consider all beneficial effects and costs of projects in its analysis of proposals. In so doing the Commission gives consideration when appropriate to the "beneficial public uses" other than power enumerated in the proposed new subsection 3 (20) of the Federal Power Act, including "flood control; navigation; irrigation; commercial and sports fisheries; wildlife; recreation; domestic, industrial and mining uses of water; salinity control; silt control; pollution control; bank stabilization; control of beach erosion; enhancement of waterfront real estate values; improvement in water quality; improved streamflow and regulation; and stabilization of the water level."

Since the proposed new subsection 3 (19) of the Power Act set out in section 1 of this bill would define the "net public benefits" as "the difference between the estimated measurable dollar value of all beneficial public uses and the estimated measurable dollar cost of obtaining those beneficial public uses," it would appear that a number of the beneficial public uses enumerated above, such as wildlife and recreational values, being intangible in nature and not susceptible to measurable dollar values, would not be considered in formulating and evaluating proposed projects and plans. Furthermore, this subsection would provide that "costs and benefits for each project shall be valued by the Commission on the basis of the costs and benefits that would be incurred by or accrue to whoever is considered to construct the project." While the project costs are usually borne by whoever constructs the project, many of the project benefits obviously would accrue to others than those constructing a project, in which case, presumably, such benefits could not be includable in the consideration of the project. This would be a departure from previous practice followed by the Commission and other Federal agencies.

Intangible effects, that is, effects which cannot be adequately expressed as benefits or costs in monetary terms, may be of sufficient importance to warrant consideration in determining whether to license a particular project. This is recognized by section 10 (a) of the Federal Power Act, which provides that a licensed project must be such as in the judgment of the Commission will be best adapted to a comprehensive plan for various beneficial public uses, including recreational purposes. Although the Commission believes that in project selection reliance should be placed mainly on tangible primary benefits, care should be taken not to overlook or minimize any intangible effects such as the possible loss of a scenic or historic site, or the conservation of fuel resources, merely because such intangible effects do not yield to precise dollar valuation.

The bill stipulates (p. 2, lines 22-25) that in computing Federal projects costs the interest rate to be used, unless otherwise provided by law, is to be the average rate on all outstanding marketable obligations of the United States Treasury. The Commission believes that it would be more appropriate to fix the interest rate on the Federal investment on the basis of the long-term borrowing rate of the Federal Government at the time the investment is incurred; and that as an alternative for determining that interest rate during years in which no long-term bonds were issued, the rate could be determined with reasonable accuracy on the basis of the rate of yield at that time on outstanding long-term Government bonds.

The section of the bill defining "net public benefits" would require the Commission to compare a hydroelectric project that "could be considered to be constructed by the United States" on the basis of costs that would result from Federal construction and financing with a possible alternative hydroelectric project that "would be expected to be constructed by a private corporation" on the basis of costs that would result from private construction and financing with a resultant higher interest rate. As a measure of public benefits from construction, this is neither realistic nor sound, for it compares factors which are not similar. To avoid complications and furnish a sound basis of judgment, the Commission and other Federal agencies for years have assumed that the same interest rate would be applicable to each project in comparing the economics of two or more possible alternative projects. Comparison of two or more such projects, utilizing a different interest rate for each as proposed in the

bill, would be of little value in determining which project would be more economic for either Federal or private construction.

It is contemplated (p 3, lines 4-16) that where comparisons between projects which are possible for construction by the United States and by others are affected by differences in construction standards, or payments or nonpayments of taxes, or interest rates, or other factors, then the Commission shall also make comparisons in terms of physical quantities of the benefits produced in power, flood control, and other public uses, so as to show which project will produce the maximum physical benefits, provided that such comparisons shall be made only for such projects the costs of which are not in excess of the benefits according to the particular methods of measuring costs and benefits appropriate to each project. This procedure is manifestly impractical and unrealistic because such comparisons of the physical outputs of projects would not be meaningful unless the cost of securing the benefits is determined for each project on a comparable basis. Comparisons of the type envisioned by the bill could be appropriately made only by assuming the same type of financing for each project to be compared.

The Commission's oldest activity is its licensing function which dates back to the Federal Water Power Act of 1920, now part I of the Federal Power Act. Pursuant to that authority, the Commission issues licenses to citizens, corporations, States, and municipalities authorizing the construction, operation, and maintenance of waterpower projects on Government lands and on streams over which the Congress has jurisdiction. It may also issue licenses to such non-Federal interests for the purpose of utilizing the surplus water or waterpower from a Government dam. Licenses issued under the Federal Power Act are for fixed periods not exceeding 50 years and contain terms which protect both the licensee and the public interest.

In the administration of these licensing powers it is the practice of the Commission to notify interested Federal agencies, governors, and State and local agencies of the filing of applications for preliminary permits and licenses for hydroelectric power projects, thus giving them an opportunity to present objections or other comments, and to participate as interested parties in appropriate cases. Similar action is taken by the Commission in regard to an application for the amendment of a license. Copies of license instruments concerning waterpower projects are furnished to various interested Federal and State agencies in accordance with established practice.

Public notices of the filing of applications for major power projects are published for 4 weeks in local newspapers and once in the Federal Register, and notices by letter are given to interested Members of Congress and to officials of counties and municipalities which might be affected by or interested in the project. Interested parties may object or request hearings, which are occasionally held in the project area.

Furthermore, before action is taken on an application, the Secretary of the Army, the Secretary of the Interior, and the Secretary of Agriculture are requested to make recommendations with respect to matters in which they have an interest, including navigation, flood control, conservation of land and water resources, and fish and wildlife preservation. If the interests of other Government departments or agencies are involved, they also are invited to submit their views.

Closely allied with the licensing activities are the Commission's studies and investigations of river basins and its power market surveys. Under the provisions of the Federal Power Act, the Commission is given broad authority to make investigations and collect data concerning the utilization of our waterpower resources, and is authorized to cooperate with the executive departments and other agencies of the Federal Government and with State governments in such investigations. The Commission's investigating authority was broadened by the Flood Control Act of 1938 and subsequent Flood Control and River and Harbor Acts, which provided that power penstocks shall be installed at Federal dams therein authorized when approved by the Secretary of the Army upon recommendations of the Chief of Engineers and the Federal Power Commission.

These river basin and power market studies are utilized by the Commission in the issuance of licenses, and also for advising and making formal recommendations to the Federal constructing agencies on power matters. Cooperative arrangements have been established with the Corps of Engineers and with the Bureau of Reclamation for furnishing advice and assistance on power matters. This cooperation begins in the early planning stages between the staffs of the

Commission's regional offices and the field representatives of the constructing agencies.

By the procedures outlined above, alternative projects and plans are fully investigated and weighed, and all interested persons and agencies have an opportunity to be heard and to protect their interests before the Commission acts on an application.

The Federal Power Act came as the culmination of decades of study and experience by trial and error which demonstrated that administrative government machinery testing all project proposals by the measuring rod of comprehensive development was essential to the optimum utilization of the Nation's water resources in the public interest. Late in the 19th century and in the early years of the 20th century, the Congress itself undertook to examine and license by separate statutes each individual non-Federal hydroelectric project proposal. This practice did not assure consistency with the public interest because the Congress was not equipped technically to examine proposals from the point of view of optimum development of the resources of the region involved. Furthermore, the lack of uniform standards made determination of the best multipurpose development impossible and tended toward piecemeal, limited development of the better hydroelectric sites.

These deficiencies were early recognized by Presidents Theodore Roosevelt and William Howard Taft who refused to approve individual licensing bills and who urged upon the Congress the necessity for legislation of general application that would establish standards to be met by non-Federal project proposals.

Out of this and after prolonged study by congressional committees and commissions established to develop a national water policy came the Federal Water Power Act of 1920. The concept of comprehensive river-basin development is now generally recognized as one of the keystones of the Federal Power Act. The Supreme Court pointed this out in *First Iowa Cooperative v. Federal Power Commission* (328 U. S. 152, 180-181), when it said that the Power Act—

*** was the outgrowth of a widely supported effort of the conservationists to secure enactment of a complete scheme of national regulation which would promote the comprehensive development of the water resources of the Nation, insofar as it was within the reach of the Federal power to do so, instead of the piecemeal, restrictive, negative approach of the River and Harbor Acts and other Federal laws previously enacted.

Fundamental policies of the Federal Power Act and the scheme of administrative licensing thereby established have withstood the test of critical examination over a long period of years. As the Supreme Court said in the *Roanoke Rapids* case (*Chapman v. Federal Power Commission*, 345 U. S. 153, 167), "From the time that the importance of power sites was brought to public and congressional consciousness during the administration of President Theodore Roosevelt, the significant development has been the devising of a general power policy instead of ad hoc action by Congress, with all the difficulties and dangers of local pressures and logrolling to which such action gave rise. See the veto messages of Presidents Roosevelt and Taft, e. g., (36 Cong. Rec. 3071 (Muscle Shoals, Ala., 1903)) ; (42 Cong. Rec. 4698 (Rainy River, 1908)) ; H. R. Doc. No. 1350, 60th Cong., 2d sess. (James River, 1909)) ; (H. R. Doc. No. 899, 62d Cong., 2d sess. (White River, 1912)) ; (S. Doc. No. 949, 62d Cong., 2d sess. (Coosa River, 1912))." For an extensive review of the need for integration of Federal activities affecting water uses see, e. g., Report of Secretary of War Stimson (H. Doc. 929, 62d Cong., 2d sess., pp. 32-35 (1912)).

In exercising the licensing responsibility vested in it under the Federal Power Act the Commission must give consideration to a number of factors, such as the waterpower industry and its relation to other industries and to commerce; to the public demand for power; to the location, capacity, development costs, and relation of power sites to markets; to the possibility of utilizing Government dams; to determination of the situations under which waterpower resources should be reserved for Federal development; and what type (run-of-river, water storage, peakload or baseload) waterpower construction would be best adapted to comprehensive development in relation to the needs of commerce, navigation, irrigation, municipal water supply, flood control, recreation, and other uses. Therefore, the method of developing the waterpower resources available at a particular site is affected by the general economy of a region, the power requirements, and other economic factors. Such resources should not be underdeveloped and it is likewise not good economy to permit undue interference by waterpower projects with other beneficial public uses. In every case of possible conflict between different uses of a particular water resource, somebody must decide which

use or uses shall be made and what limitations upon other uses are necessary to protect the use or uses selected as offering the maximum overall public benefits.

The weighing of all of these important elements and the approval or disapproval of a particular project proposal necessarily calls for the exercise of expert judgment. Congress, therefore, after years of experimenting with the problem, finally entrusted to the discretion of the Commission the determination of delicate and complex economic and technical questions of what project is best adapted to a comprehensive plan for the improvement or utilization of the water resources of a particular area. In order to insure the continued effectiveness of the Commission's licensing authority and the exercise of such powers in conformity with the basic considerations which led to the enactment of the Federal Power Act, it is important that this discretion of the Commission be preserved and not circumscribed by restrictive amendments such as those carried in S. 2847 which could impair a full study and objective consideration of all facets of the public interest involved in licensing hydroelectric projects.

For the reasons stated above the Commission believes that the amendments proposed in S. 2847 are both unnecessary and undesirable from the standpoint of proper and effective administration of the licensing provisions of the Federal Power Act. We therefore recommend against enactment of the bill. Commissioner Connole concurring in part of this report submitted a separate statement which is attached.

—————, *Chairman.*

CONNOLLE, Commissioner, concurring in part :

I believe that this report fairly and accurately states the Commission's and the courts' interpretation of the intent of the Congress in setting up the national water resources policy contained in the Federal Power Act. I believe, also, that it fairly and accurately expresses the Commission's responsibilities in administering that policy. If enacted this bill would establish a new water resources policy and alter our responsibilities in administering it. I believe this potential result should be made known to the Congress when we respond to its request for comment. I concur, therefore, in so much of this report that does so.

Whether existing policy should be changed or preserved, however, is a decision solely for the Congress whose creature we are. As I have stated on other occasions,¹ I am convinced that the Commission has no right as an agency of the Congress to express an opinion on such matters unless we have persuasive facts or reasons at our disposal not available to the Congress. No such facts or reasons have been brought to my attention here. Therefore, I do not associate myself with so much of this report that would express an opinion one way or the other on whether existing water resources policy or our responsibilities under it should be preserved or changed. On such matters I have neither the right nor the inclination to comment.

WILLIAM A. CONNOLLE.

The CHAIRMAN. Now we will be glad to include in the record a statement from Alex Radin. We will put his communication in the record, also Don Lane, Secretary of the State Water Resources Board, State of Oregon.

(The statements are as follows:)

WASHINGTON, D. C., March 6, 1958.

Senator WARREN MAGNUSON,

Chairman, Merchant Marine Subcommittee, Senate Interstate and Foreign Commerce Committee, Senate Office Building, Washington, D. C.:

American Public Power Association requests permission to file statement in opposition to S. 3185 for record of your subcommittee's hearings.

ALEX RADIN, *General Manager.*

SEATTLE, WASH., March 5, 1958.

Senator WARREN MAGNUSON,

Senate Office Building, Washington, D. C.:

Utilities in this region very much opposed to S. 3185. Increased difficulties with fish and wildlife could delay FPC licenses for hydroprojects indefinitely.

JACK D. STEVENS.

¹E. g., 36th Annual Report of the Federal Power Commission for the Year 1956, footnote, p. 20.

STATE OF OREGON,
STATE WATER RESOURCES BOARD,
Salem, February 28, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Senate Committee on Interstate and Foreign Commerce,
Senate Office Building, Washington, D. C.*

DEAR SENATOR MAGNUSON: We have been advised that the Senate Committee on Interstate and Foreign Commerce will hold hearings March 6 and 7, 1958, on S. 3185.

It will not be possible for the State Water Resources Board to have a representative present to present a statement to your committee.

We hope that the Board's views, as contained in this letter, may be presented to the committee for consideration and incorporated into the record.

The State Water Resources Board of Oregon has considered S. 3185 and finds first that the enactment of this bill would be in conflict with the basic concept of the 1955 Water Resources Act of Oregon which states that multiple use of water shall be achieved for the maximum benefit of the State as a whole.

S. 3185 would have the effect of placing the conservation of migratory fish and game as the highest use of water on any stream wherein applications for hydroelectric projects before the Federal Power Commission are being considered. It is inconceivable that any proposed project on a stream which is the habitat or provides passage for migratory fish would not be construed as detrimental by the Fish and Wildlife Service.

It is our opinion that the enactment of S. 3185 would result in the inability of the Federal Power Commission to license a project on any major stream in the State of Oregon.

We do recommend that the Federal Power Act be modified to require the Federal Power Commission to give due regard to fish and wildlife as well as other beneficial uses and means of control of water as a criteria for comprehensive development.

Very truly yours,

DON LANE, *Secretary.*

FEDERAL POWER COMMISSION,
Washington, D. C., March 3, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request of January 20, 1958, there are enclosed copies of the report of the Federal Power Commission on the subject bill.

Sincerely yours,

FREDERICK STUECK,
Acting Chairman.

FEDERAL POWER COMMISSION REPORT ON S. 3185, 85TH CONGRESS

Section 4 (e) of the Federal Power Act authorizes the Commission to issue licenses to non-Federal entities for the purpose of constructing, operating, and maintaining waterpower developments on any of the streams over which Congress has jurisdiction under its authority to regulate interstate or foreign commerce, or upon lands of the United States (except national parks or national monuments), or for the purpose of utilizing the surplus water or water power from any Government dam.¹

¹ SEC. 4. The Commission is hereby authorized and empowered—

(e) To issue licenses to citizens of the United States, or to any association of such citizens, or to any corporation organized under the laws of the United States or any State thereof, or to any State or municipality for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenience for the development and improvement of navigation and for the development, transmission, and utilization of power across, along, from or in any of the streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam, except as herein provided: *Provided*, That licenses shall be issued within any reservation only after a finding by the Commission that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired, and shall be subject to and contain such conditions as the Secretary of the

This bill would amend section 4 (e) of the Federal Power Act by adding, at the end of the first sentence, the following proviso:

And provided further, That no license shall be issued until the plans for the project have been approved by the Secretary of the Interior after consultation with the Fish and Wildlife Service of the Department of the Interior, as not being detrimental to the conservation of migratory fish and game.

Before issuing a license for hydroelectric development under section 4 (e) the Commission is required to find under section 10 (a) of the act² that the project shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan of development of the water resources for power and all other beneficial public uses including, of course, conservation and preservation of fish and wildlife resources.

Notice of each application for a permit or license is referred to the United States Fish and Wildlife Service through the Secretary of the Interior and to the State fish and wildlife agencies involved for reports and recommendations in accordance with the Wildlife Resources Coordination Act (16 U. S. C. 661).

In many cases the Secretary of the Interior has reported in substance that a proposed project would be detrimental to the conservation of migratory fish or game. Upon receipt of such recommendations they are referred to the applicant. Thereafter, with only two major exceptions, the applicants and the fish and wildlife agencies have, with the aid of the Commission, resolved their differences without the necessity of a hearing on those questions. Hearings were held by the Commission in the two cases in which agreement was not reached and licenses were issued by the Commission subject, however, to the construction and operation of fish facilities to be prescribed by the Commission upon further study and recommendations by the Secretary and the State fish and wildlife agencies.

One of these two cases involved a project by the city of Tacoma, Washington, on the Cowlitz River (10 FPC 424). The cost of the fish facilities for the city of Tacoma project has been estimated at \$7,100,000 and the city, working in cooperation with the fish and wildlife agencies, has financed studies resulting in the design of facilities which have been recommended by the fish agencies for other projects since licensed by the Commission, which would indicate an awareness on both sides of the public interest in fish and wildlife preservation and protection.

The other case in which the applicant and the fish agencies were unable to agree involved the Pelton project of Portland General Electric Co. on the Deschutes River in Oregon (10 FPC 445). Fish facilities similar to those designed in connection with the city of Tacoma project for passing downstream migrants have been installed at the Pelton project. The total cost of fish facilities at the Pelton project was about \$4,788,000 out of a total project cost of about \$20,250,000, a rather substantial proportion. The studies made in connection with the city of Tacoma project give every indication of solving the downstream migratory fish problem at high dams. In any event these extensive and helpful studies would not have been made in connection with either project if licenses had not been issued, and it is believed that the net result in each case will be wider use of recreational values than without the developments

department under whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservation: *Provided further,* That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of War. Whenever the contemplated improvement is, in the judgment of the Commission, desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, a finding to that effect shall be made by the Commission and shall become a part of the records of the Commission: *Provided further,* That in case the Commission shall find that any Government dam may be advantageously used by the United States for public purposes in addition to navigation, no license therefor shall be issued until 2 years after it shall have reported to Congress the facts and conditions relating thereto, except that this provision shall not apply to any Government dam constructed prior to June 10, 1920: *and provided further,* That upon the filing of any application for a license which has not been preceded by a preliminary permit under subsection (f) of this section, notice shall be given and published as required by the proviso of said subsection.

² SEC. 10. All licenses issued under this part shall be on the following conditions:

(a) That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes; and if necessary in order to secure such plan the Commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval.

The question of the detrimental effect of a proposed project on recreation and the conservation of migratory fish and game is one of several factors which must be considered as of public significance in determining whether a project meets the standards of section 10 (a) of the act and the Commission's findings with respect to those questions must be supported by substantial evidence. There are occasions when the public is better served by retaining water resources in their natural state and foregoing waterpower development. An instance of this character occurred when power development was sought on the Namekagon River in Wisconsin. Notwithstanding the power benefits, the Commission denied a license and was affirmed by the Seventh Circuit Court of Appeals. *Namekagon Hydro Company v. F. P. C.*, 216 F. 2d 509 (1954). The court there said that "Congress was aware that conflicting interests would, in all likelihood, be encountered when it formulated the statutory guides to be found in section 10 (a) of the act."

The Federal Water Power Act came as the culmination of decades of study and experience by trial and error which demonstrated that administrative governmental machinery testing all waterpower project proposals by the measuring rod of comprehensive development was essential to the optimum utilization of the Nation's water resources in the public interest for all beneficial public uses. Late in the 19th century and in the early years of the 20th century, the Congress itself undertook to examine and license by separate statutes each individual non-Federal hydroelectric project proposal. This practice assured neither maximum utilization for the public good nor consistency with the public interest. Furthermore, the lack of uniform standards made determination of the best multipurpose development impossible and tended toward piecemeal, limited development rather than development under the standards later specified in section 10 (a) of the Federal Power Act.

The deficiencies in ad hoc action by Congress were early recognized by Presidents Theodore Roosevelt and William Howard Taft who refused to approve individual licensing bills and who urged upon the Congress the necessity for legislation of general application with congressional standards to be met by non-Federal project proposals.

Out of these Presidential observations and after prolonged study by congressional committees and commissions established to develop a national water policy came the Federal Water Power Act of 1920. The concept of comprehensive river-basin development is now generally recognized as the keystone of the Federal Power Act. The Supreme Court pointed this out in *First Iowa Cooperative v. Federal Power Commission* (328 U. S. 152, 180-181), when it said that the Power Act:

"* * * was the outgrowth of a widely supported effort of the conservationists to secure enactment of a complete scheme of national regulation which would promote the comprehensive development of the water resources of the Nation, insofar as it was within the reach of the Federal power to do so, instead of the piecemeal, restrictive, negative approach of the River and Harbor Acts and other Federal laws previously enacted."

Fundamental policies of the Federal Power Act and the scheme of administrative licensing thereby established with primary responsibility vested in the Federal Power Commission as an independent bipartisan arm of Congress have withstood local pressures and the test of critical examination over a long period of years. As the Supreme Court said in the Roanoke Rapids case (*Chapman v. Federal Power Commission* (345 U. S. 153, 167), "From the time that the importance of power sites was brought to public and congressional consciousness during the administration of President Theodore Roosevelt, the significant development has been the devising of a general power policy instead of ad hoc action by Congress, with all the difficulties and dangers of local pressures and logrolling to which such action gave rise." See the veto messages of Presidents Roosevelt and Taft: e. g., 36 Congressional Record, page 3071 (Muscle Shoals, Ala., 1903); 42 Congressional Record, page 4698 (Rainy River, 1908); House Document 1350, 60th Congress, 2d session (James River, 1909); House Document 899, 62d Congress, 2d session (White River, 1912); Senate Document 949, 62d Congress, 2d session (Coosa River, 1912). For an extensive review of the need for integration of Federal activities affecting water uses see; e. g., Report of Secretary of War Stimson, House Document 929, 62d Congress, 3d session, pages 32-35 (1912).

The Federal Power Commission was created as an independent regulatory commission by act of Congress, June 23, 1930 (46 Stat. 797). During the preceding 10-year period administration of the Commission's licensing functions had been vested in the Secretaries of War, Interior, and Agriculture, constituted as an

ex officio commission by the Federal Water Power Act of 1920. Experience over that period demonstrated that this system of divided, part-time departmental responsibility was not conducive to the development of the comprehensive and vigilant national water resources policy originally envisaged by the 1920 act. This is apparent from the legislative history of the 1930 act which reorganized the Commission as an independent agency. Secretary of the Interior Wilbur, in expressing the administration's views in support of the change, stated to the House Committee on Interstate and Foreign Commerce (hearings on H. R. 11408, 71st Cong., 2d sess., pp. 48-49) :

"I agree with Secretary [of Agriculture] Hyde that we can well allow these departments to be represented at hearings before the commission to present phases of departmental interest, rather than to have the control remain in the departments. Otherwise, even though you set up the commission, you will leave in the hands of the Secretaries, or in the hands of the Bureau heads, the power to negate whatever the commission may want to do, that is, to ask the consent of the department involved.

"I cannot conceive of this Federal Power Commission really being effective unless it controls all power sites where it grants licenses, for if you have to ask the permission of this department or that department, there will be difficulties that will be absolutely impossible to overcome."

In thus pointing to the necessity for resolution of interagency conflicts, Secretary Wilbur was not only speaking for himself but for the Secretaries of Agriculture and War (who with him comprised the Federal Power Commission) and for the administration. The unfortunate history of the Federal Power Commission up to that time was a tragic reminder of the difficulty which reasonable men may encounter in trying to work together without centralization of responsibility. This was especially apparent where the executive departments (Interior and War) had construction and operating responsibilities in reclamation, flood control, navigation, and power distribution, which would tend to have an influence upon their decisions in power licensing cases. Congress, itself, has recognized the role of an independent agency by directing that rates for the sale by the Secretary of the Interior of power generated at certain Federal flood-control projects should be submitted for approval by the Federal Power Commission (Flood Control Act of December 22, 1944, 58 Stat. 887, 890; 16 U. S. C. 825s).

For another thing, by reason of their location many of the potential hydroelectric projects may be expected to be in some manner detrimental to the conservation of migratory fish and game. The bill makes no provision for balancing of the detriments against the benefits, for it simply prohibits the issuance of a license where there is detriment. Under the present situation, however, the overall public good is examined and where the benefits clearly outweigh the detriments, the water resources can be put to the most beneficial public uses. Moreover, as previously mentioned, this has resulted in more extended study of remedial measures than would obtain if streams were left in their natural state without the ingenuity of man to protect fish and wildlife and, indeed, even to augment these great natural resources.

In order to insure the continued effectiveness of the licensing provisions of the Federal Power Act and the exercise of such powers in conformity with the basic considerations which led to the enactment of the Federal Power Act, it is important that the Commission's authority to decide all issues in accordance with the evidence presented be preserved and not circumscribed by restrictive amendments such as that carried in S. 3185.

Finally, the enactment of such legislation is unnecessary because the interests of all State and Federal agencies concerned with protection of migratory fish and of game are adequately safeguarded by existing statutory provisions and administrative procedures for the consideration and determination of licensing matters under the act. The Commission therefore recommends against enactment of the bill.

FREDERICK STUECK, *Acting Chairman.*

The CHAIRMAN. That concludes the witnesses on S. 3185, with the exception of the Department of Interior, so we will now hear them.

Mr. Wineberg, we will be glad to hear from you.

Is someone here representing Mr. Gutermuth?

Mr. POOLE. I am, Mr. Chairman. We have statements on all three of the measures.

The CHAIRMAN. Let's put them in the record. (See p. 222.)

Mr. POOLE. If I might say for the record, Mr. Gutermuth asked me to apologize to you for his inability to be here.

The CHAIRMAN. I understand the situation.

Mr. POOLE. Now, one further question, Senator Magnuson, in relation to the duck stamp proposal. We understand that the Department of Interior has submitted a proposal that is slightly modified from the one presented for distribution here, and I wonder—will the record be open so when we learn about it we might comment on it?

The CHAIRMAN. The record will stay open for about 10 days or so, and I understand the Department of Interior will have their statement up here the first of the week, and we would give anybody ample time to comment on it.

Before we leave the duck stamp, does anyone else want to testify on the duck stamp matter?

Mr. PETERS. For National Audubon Society, I have a supplemental statement, which I will just submit for the record.

The CHAIRMAN. All right, that will be submitted.

SUPPLEMENTAL STATEMENT OF NATIONAL AUDUBON SOCIETY, SUBMITTED BY HAROLD S. PETERS, TECHNICAL ADVISER, NA- TIONAL AUDUBON SOCIETY

Mr. PETERS. Supplementary to our statement on S. 2617 regarding the increase in the price of the duck stamp, and the allocating of a percentage for purchase of land for waterfowl refuges, we wish to add that we favor the use of all moneys from the sale of such stamps for the purchase of refuge lands.

We urge that funds necessary for operation and maintenance of refuges be from appropriated funds. Likewise, funds necessary for waterfowl research and enforcement should be appropriated, rather than from income from sale of duck stamps.

We still do not favor the provision that any percentage of national wildlife refuge acreage be open to public hunting.

Mr. CALLISON. Mr. Chairman, my name is Charles Callison, of the National Wildlife. We submit a statement for the record, and I just wanted to say that with that statement we will file evidence of a considerable and growing sportsman support for a \$3 duck stamp, and it is my opinion that there will be enthusiastic support for the proposal of the \$3 duck stamp, all of which will be earmarked for acquisition as proposed by the Department of the Interior.

The CHAIRMAN. We will appreciate that, because if the committee decides to pass that bill out, we will need your support when we get to the floor.

Mr. CALLISON. We debated that in our convention and they voted overwhelmingly in favor of it.

The CHAIRMAN. All right, we will leave the record open on the duck stamp and the insecticide bill, if anyone wants to make further comments.

I will hear from the Department of Interior. Mr. Stevens, do you want to appear first?

Mr. STEVENS. I am Ted Stevens.

STATEMENT OF THEODORE F. STEVENS, ASSISTANT TO THE SECRETARY AND LEGISLATIVE COUNSEL, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY EDWARD WEINBERG, ASSISTANT SOLICITOR FOR BRANCH OF POWER, OFFICE OF THE SOLICITOR; DANIEL H. JANZEN, DIRECTOR, BUREAU, SPORTS FISHERIES AND WILDLIFE; AND JAMES T. McBROOM, CHIEF, BRANCH OF RIVER BASINS STUDIES, BUREAU, SPORTS FISHERIES AND WILDLIFE

Mr. STEVENS. S. 3185 would amend subsection (e) of section 4 of the Federal Power Act by providing that no license shall be issued by the Federal Power Commission until plans for the project have been approved by the Secretary of the Interior, after consultation with the Fish and Wildlife Service, as not being detrimental to the conservation of migratory fish and game.

The bill would, in effect, vest in the Secretary of the Interior a veto power over the issuance of licenses by the Federal Power Commission if he found that a hydroelectric project per se had an adverse effect in even the slightest degree on migratory fish and game.

S. 3185 raises an issue which the Congress itself must decide. The Federal Power Commission is an independent agency. Whether it should be subservient in this controversial area to the Department of the Interior is an issue upon which we make no recommendation.

We recognize that Congress has heretofore imposed conditions upon the discretion of the Federal Power Commission. These conditions are contained in the following excerpts from the Federal Power Act:

SEC. 4. (e) * * * *Provided*, That licenses shall be issued within any reservation only after a finding by the Commission that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired, and shall be subject to and contain such conditions as the Secretary of the department under whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservation: *Provided further*, That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of War. * * *

* * * * *

SEC. 10. (e) * * * *Provided*, That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the Commission shall, subject to the approval of the Secretary of the Interior in the case of such dams or structures in reclamation projects and, in the case of such tribal lands, subject to the approval of the Indian tribe having jurisdiction of such lands as provided in section 16 of the act of June 18, 1934 (48 Stat. 984), fix a reasonable annual charge for the use thereof, * * * .

* * * * *

SEC. 18. The Commission shall require the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of War, and such fishways as may be prescribed by the Secretary of Commerce. The operation of any navigation facilities which may be constructed as a part of or in connection with any dam or diversion structure built under the provisions of this act, whether at the expense of a licensee hereunder or of the United States, shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by such dam or diversion structure as may be made from time to time by the Secretary of War; * * * .

The CHAIRMAN. Here I want to place in the record section 4 of the Federal Power Act as amended August 26, 1935.

(The document referred to follows:)

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in bracket; new matter is printed in italic; existing law in which no change is proposed is shown in roman):

FEDERAL POWER ACT

* * * * *

United States Code, Title 16, Section 797

The Commission is authorized and empowered—

(a) To make investigations and to collect and record data concerning the utilization of the water resources * * * the water power industry * * * location, capacity, development costs * * * sites * * * Government dams * * * fair value * * *.

(b) To determine the actual legitimate original cost of and the net investment in a licensed project, * * *.

(c) To cooperate with the executive departments * * * of State or National governments in such investigations * * *.

(d) To make public * * * the information secured hereunder, * * *.

(e) To issue licenses to citizens of the United States, or to any corporation organized under the laws of the United States, or to any corporation organized under the laws of the United States or any State thereof, or to any State or municipality for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation and for the development, transmission, and utilization of power across, along, from, or in any of the streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam, except as herein provided: *Provided*, That licenses shall be issued within any reservation only after a finding by the commission that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired, and shall be subject to and contain such conditions as the Secretary of the department under whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservations: *Provided further*, That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting the navigation have been approved by the Chief of Engineers and the Secretary of the Army. Whenever the contemplated improvement is, in the judgment of the commission, desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, a finding to that effect shall be made by the commission and shall become a part of the records of the commission: *Provided further*, That in case the commission shall find that any Government dam may be advantageously used by the United States for public purposes in addition to navigation, no license therefor shall be issued until two years after it shall have reported to Congress the facts and conditions relating thereto, except that this provision shall not apply to any Government dam constructed prior to June 10, 1920: *And provided further*. That upon the filing of any application for a license which has not been preceded by a preliminary permit under subsection (f) of this section, notice shall be given and published as required by the proviso of said subsection[.]: *And provided further*, That no license shall be issued until the plans for the project have been approved by the Secretary of the Interior, after consultation with the Fish and Wildlife Service of the Department of the Interior, as not being detrimental to the conservation of migratory fish and game.

(f) To issue preliminary permits * * *.

(g) Upon its own motion to order an investigation of any occupancy of, or evidenced intention to occupy, for * * * developing electric power, public lands, reservations, or streams * * * and to issue such order as appropriate, expedient and in the public interest to conserve and utilize the navigation and water-power resources of the region.

The CHAIRMAN. You may proceed, Mr. Stevens.

Mr. STEVENS. If the Congress, in its wisdom, finds that a veto power for this category of cases should be extended to the Department of the Interior to prevent issuance of a license by the Federal Power Commission, then we suggest that the amendment be revised to read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (e) of section 4 of the Federal Power Act is amended by inserting before the period at the end thereof a colon and the following: "And provided further, That no license affecting fish and wildlife resources shall be issued until the plans of the dam or other structures affecting such fish and wildlife resources have been approved by the Secretary of the Interior."

We suggest this approach because the standard of not being "detrimental" which would be imposed by S. 3185 would preclude any evaluation of the relative values involved.

There are few water-resource projects proposed for construction under Federal license which do not have some detrimental effects on fish or wildlife resources or both. In some instances, such as dams obstructing streams used by anadromous fish, these detrimental effects could far outweigh the benefits unless adequate devices are perfected to properly care for and protect the fishery resources.

Over the years, the Department of the Interior has had for review hundreds of applications for water projects subject to license by the Federal Power Commission. The projects have been examined by the United States Fish and Wildlife Service of this Department, in cooperation with State fish and game agencies, with a view to incorporating in project plans measures to minimize adverse effects on fish and wildlife and to maximize beneficial effects. These studies are made pursuant to the Coordination Act of August 14, 1946 (60 Stat. 1080), and section 18 of the Federal Power Act. Normally the measures proposed involve slight and inexpensive modification in project construction and operation plans. Throughout the years, the Federal Power Commission generally has shown good cooperation with the Department of the Interior in adopting recommended license provisions to provide for fish and wildlife conservation.

The Congress over the years has laid down, in a number of laws, the policy that fish and wildlife deserve maximum consideration in resource planning because of their contribution to the health, well-being, economy and food supply of the Nation. In its latest pronouncement—the Fish and Wildlife Act of 1956 (70 Stat. 1119)—the Congress stated, among other things, that fish, shellfish, and wildlife resources "are capable of being maintained and greatly increased with proper management, but equally capable of destruction if neglected or unwisely used," and set forth general procedures by which "the objective of proper resource development" is to be achieved.

It seems to us that the Congress could well insure positive recognition of the importance of fish and wildlife resources in river basin development by a simple amendment to the Federal Power Act. To be explicit, we recommend adding "fish and wildlife conservation" to recreation as a specifically named beneficial public use in section 10 (a) of that act. This would have the added purpose of insuring consideration of commercial fishery and fur resources and would prevent

argument as to whether the term "recreational purposes" always includes the use and enjoyment of sportfish and wildlife.

Section 10 (a), which sets up criteria which the Federal Power Commission must meet in issuing licenses, if amended as proposed, would read as follows:

(a) That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of waterpower development, and for other beneficial public uses, including recreational and *fish and wildlife conservation* purposes; and if necessary in order to secure such plan the Commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval. [New wording in italic.]

The Department favors greater consideration of fish and wildlife conservation in water resource programs, as will be evident in the proposal to revise and strengthen the Fish and Wildlife Coordination Act of August 14, 1946, which we intend to submit to this committee in the near future.

The CHAIRMAN. In other words, you do not want this authority that the Neuberger proposal suggests?

Mr. STEVENS. I don't think we would put it that way, Senator. We believe that in the position we are in today, negotiating with the Corps of Engineers, with the Department of Agriculture, and in other water resource areas, attempting to get recognition we seek under the Coordination Act, it would not be proper for us to be up here recommending that we have a veto power over the FPC. We do not have that authority over Agriculture or the Army. We do not seek it. We merely seek the right to make recommendations.

The CHAIRMAN. I appreciate that the Department of Interior in this case did not seek any such authority, but it does pose some very practical problems, departmental problems. What would you say to a proposal that might suggest that the Department of Interior make recommendations in these particular controversial cases, and where the recommendations are of a substantial controversial nature, the matter should be reviewed by Congress before the license is issued?

Mr. STEVENS. Senator, that would be an off-the-cuff comment until we had the legislation actually before us. I would say this. To my knowledge, there have been only three instances that I have been aware of where we have recommended against a project for fish and wildlife reasons. In two of those instances, the Commission saw fit to issue the license anyway.

In the third instance, they agreed with us. We are not talking about a very great category of cases in the sense that the veto power could be exercised. This bill S. 3185 deals with every thing the FPC does, and for that reason we suggested the alternative form of the bill.

The CHAIRMAN. Of course, in many of the cases in the past, the problem was not as highly controversial as I think we are going to run into. We are getting down now where it becomes a real controversial matter, and I suspect that the proponents of S. 3185 had that in mind. I know in many cases where the Department of Interior, Fish and Wildlife, had recommended some minor modifications on the question of fish and wildlife, which did not loom up as large as it

will in projects located in the upper and middle reaches. Perhaps we are getting to a point in river development where we might have to spell this out.

Mr. STEVENS. That is true, Senator, but from our point of view, as I said, we don't seek to have this power over Agriculture or the Corps of Engineers. We think it would be inappropriate for us to recommend that we have it over the FPC.

The CHAIRMAN. I understand your position, and I think your suggested changes are to be seriously considered by this committee, which would, in effect, put you in a little stronger position than you are now, would it not?

Mr. STEVENS. There is no doubt about that, sir.

The CHAIRMAN. It doesn't go as far as the Senate bill, but it does put you in a stronger position, or your recommendations are in a stronger position than they are now.

Mr. STEVENS. It would permit the Department to review the overall effect of the project.

The CHAIRMAN. We appreciate your suggestions.

I place in the record at this point a letter from the Department of the Interior signed by the Undersecretary, Mr. Hatfield Chilson.

(The letter is as follows:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., March 6, 1958.

Hon. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: Your committee has requested a report on S. 3185, a bill to promote the conservation of migratory fish and game by requiring certain approval by the Secretary of the Interior of licenses issued under the Federal Power Act.

The Federal Power Commission is an independent agency. To the broad powers of the Commission, the Congress has imposed few conditions necessitating the approval of executive departments. These provisions are as follows: Section 4 (e) of the act dealing with licenses affecting the capacity of navigable waters and licenses affecting reserved lands; section 10 (e) relative to the charges for the use of facilities of Federal reclamation projects; and section 18 relating to the installation of navigable aids and fishways. Congress has also provided in section 10 (e) for the approval by the Indian tribe affected of charges for the use of tribal lands of organized Indian tribes.

The bill provides, in effect, that this Department may exercise a veto power in behalf of fish and wildlife matters in connection with the issuance of a license by the Commission. It, therefore, adds a major category of cases in which approval of an executive department is needed before the Federal Power Commission may act. Since the issue is one of imposing such a limitation, this Department is of the opinion that S. 3185 raises an issue which Congress itself should decide.

While this Department stands ready to utilize any lawful authority granted to it by Congress there appears to be a real question as to whether in this controversial area the Federal Power Commission should be subservient to an executive department. We have in the past made recommendations to the Federal Power Commission not only to prevent detrimental effects upon migratory fish or other wildlife resources, but also to suggest methods and means through which these vital resources could be enhanced. The amendments to the Coordination Act of 1946 which we intend to submit to your committee in the near future will reflect this broader scope of review.

In the event the Congress is disposed to enact legislation along the lines of S. 3185, we suggest the following revision:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (e) of section 4 of the Federal Power Act is amended by inserting before the period

at the end thereof a colon and the following: '*And provided further, That no license affecting fish or wildlife resources shall be issued until the plans of the dam or other structures affecting such fish and wildlife resources have been approved by the Secretary of the Interior.*'"

We suggest this approach because the standard of not being "detrimental" which would be imposed by S. 3185 would preclude any evaluation of the relative values involved.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

HATFIELD CHILSON,
Under Secretary of the Interior.

Mr. STEVENS. It is the Under Secretary, Hatfield Chilson.

The CHAIRMAN. We will put it in the record in full. I haven't read this, but I assume it is substantially what you have testified.

Mr. STEVENS. We did not mention in that report our suggested clarifying amendment to section 10, which we understand has no controversy connected with it. My statement has been cleared by the Bureau of the Budget.

The CHAIRMAN. Of course, Mr. Chilson says here:

Since the issue is one of imposing such a limitation, this Department is of the opinion that S. 3185 raises an issue which Congress itself should decide.

Then he goes on to say:

While this Department stands ready to utilize all lawful authority granted it by Congress, there appears to be a real question as to whether in this controversial area the Federal Power Commission should be subverted to an executive department. We have in the past made recommendations to the Federal Power Commission, not only to prevent detrimental effects on migratory fish and resources, but also to suggest methods and means through which these vital resources could be enhanced.

The amendment to the Coordination Act of 1946, which we intend to submit to your committee in the near future, will reflect this broader scope of review.

As I said this morning, we hope to be able to get at that legislation in 2 weeks.

Thank you very much.

Now, unless the other members of the Department have anything to add, we appreciate your coming.

Mr. STEVENS. Thank you.

The CHAIRMAN. Mr. Gatchell, we will now hear you.

STATEMENT OF WILLARD W. GATCHELL, GENERAL COUNSEL, ACCOMPANIED BY JOHN C. MASON, DEPUTY GENERAL COUNSEL; AND W. RUSSELL FARLEY, CHIEF, DIVISION OF HYDROELECTRIC PROJECTS, FEDERAL POWER COMMISSION

Mr. GATCHELL. Thank you, Mr. Chairman. My name is Willard W. Gatchell, and I am General Counsel of the Federal Power Commission. I have here Mr. John C. Mason, our Deputy General Counsel, and Mr. W. Russell Farley, who is Chief of the Division of Hydroelectric Projects in our Bureau of Power.

We have submitted to your committee a rather complete report on this bill by the Federal Power Commission, and I wonder if this would be a convenient place to have it incorporated in the record.

The CHAIRMAN. Yes, we would be glad to put it in the record in full.

(The report is as follows:)

FEDERAL POWER COMMISSION REPORT ON S. 3185—85TH CONGRESS

Section 4 (e) of the Federal Power Act authorizes the Commission to issue licenses to non-Federal entities for the purpose of constructing, operating, and maintaining waterpower developments on any of the streams over which Congress has jurisdiction under its authority to regulate interstate or foreign commerce, or upon lands of the United States (except national parks or national monuments), or for the purpose of utilizing the surplus water or waterpower from any Government dam.¹

This bill would amend section 4 (e) of the Federal Power Act by adding, at the end of the first sentence, the following proviso:

"And provided further, That no license shall be issued until the plans for the project have been approved by the Secretary of the Interior after consultation with the Fish and Wildlife Service of the Department of the Interior, as not being detrimental to the conservation of migratory fish and game."

Before issuing a license for hydroelectric development under section 4 (e) the Commission is required to find under section 10 (a) of the act² that the project shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan of development of the water resources for power and all other beneficial public uses including, of course, conservation and preservation of fish and wildlife resources.

Notice of each application for a permit or license is referred to the United States Fish and Wildlife Service through the Secretary of the Interior and to the State fish and wildlife agencies involved for reports and recommendations in accordance with the Wildlife Resources Coordination Act (16 U. S. C. 661).

In many cases the Secretary of the Interior has reported in substance that a proposed project would be detrimental to the conservation of migratory fish or game. Upon receipt of such recommendations they are referred to the applicant. Thereafter, with only two major exceptions, the applicants and the fish and wildlife agencies have, with the aid of the Commission, resolved their differences without the necessity of a hearing on those questions. Hearings were held by the Commission in the two cases in which agreement was not reached and licenses were issued by the Commission subject, however, to the

¹ SEC. 4. The Commission is hereby authorized and empowered—

(e) To issue licenses to citizens of the United States, or to any association of such citizens, or to any corporation organized under the laws of the United States or any State thereof, or to any State or municipality for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation and for the development, transmission, and utilization of power across, along, from or in any of the streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or waterpower from any Government dam, except as herein provided: *Provided*, That licenses shall be issued within any reservation only after a finding by the Commission that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired, and shall be subject to and contain such conditions as the Secretary of the department under whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservation: *Provided further*, That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of War. Whenever the contemplated improvement is, in the judgment of the Commission, desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, a finding to that effect shall be made by the Commission and shall become a part of the records of the Commission: *Provided further*, That in case the Commission shall find that any Government dam may be advantageously used by the United States for public purposes in addition to navigation, no license therefor shall be issued until 2 years after it shall have reported to Congress the facts and conditions relating thereto, except that this provision shall not apply to any Government dam constructed prior to June 10, 1920: *And provided further*, That upon the filing of any application for a license which has not been preceded by a preliminary permit under subsection (f) of this section, notice shall be given and published as required by the proviso of said subsection.

² SEC. 10. All licenses issued under this part shall be on the following conditions:

(a) That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of waterpower development, and for other beneficial public uses, including recreational purposes; and if necessary in order to secure such plan the Commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval.

construction and operation of fish facilities to be prescribed by the Commission upon further study and recommendations by the Secretary and the State fish and wildlife agencies.

One of these two cases involved a project by the city of Tacoma, Wash., on the Cowlitz River (10 F. P. C. 424). The cost of the fish facilities for the city of Tacoma project has been estimated at \$7,100,000 and the city, working in cooperation with the fish and wildlife agencies, has financed studies resulting in the design of facilities which have been recommended by the fish agencies for other projects since licensed by the Commission, which would indicate an awareness on both sides of the public interest in fish and wildlife preservation and protection.

The other case in which the applicant and the fish agencies were unable to agree involved the Pelton project of Portland General Electric Co. on the Deschutes River in Oregon (10 F. P. C. 445). Fish facilities similar to those designed in connection with the city of Tacoma project for passing downstream migrants have been installed at the Pelton project. The total cost of fish facilities at the Pelton project was about \$4,788,000 out of a total project cost of about \$20,250,000, a rather substantial proportion. The studies made in connection with the city of Tacoma project give every indication of solving the downstream migratory fish problem at high dams. In any event these extensive and helpful studies would not have been made in connection with either project if licenses had not been issued, and it is believed that the net result in each case will be wider use of recreational values than without the developments.

The question of the detrimental effect of a proposed project on recreation and the conservation of migratory fish and game is one of several factors which must be considered as of public significance in determining whether a project meets the standards of section 10 (a) of the act and the Commission's findings with respect to those questions must be supported by substantial evidence. There are occasions when the public is better served by retaining water resources in their natural state and foregoing water-power development. An instance of this character occurred when power development was sought on the Namekagon River in Wisconsin. Notwithstanding the power benefits, the Commission denied a license and was affirmed by the Seventh Circuit Court of Appeals. *Namekagon Hydro Company v. F. P. C.* (216 F. 2d 509 (1954)). The court there said that "Congress was aware that conflicting interests would, in all likelihood, be encountered when it formulated the statutory guides to be found in Section 10 (a) of the act."

The Federal Water Power Act came as the culmination of decades of study and experience by trial and error which demonstrated that administrative governmental machinery testing all water-power project proposals by the measuring rod of comprehensive development was essential to the optimum utilization of the Nation's water resources in the public interest for all beneficial public uses. Late in the 19th century and in the early years of the 20th century, the Congress itself undertook to examine and license by separate statutes each individual non-Federal hydroelectric project proposal. This practice assured neither maximum utilization for the public good nor consistency with the public interest. Furthermore, the lack of uniform standards made determination of the best multi-purpose development impossible and tended toward piecemeal, limited development rather than development under the standards later specified in section 10 (a) of the Federal Power Act.

The deficiencies in ad hoc action by Congress were early recognized by Presidents Theodore Roosevelt and William Howard Taft who refused to approve individual licensing bills and who urged upon the Congress the necessity for legislation of general application with congressional standards to be met by non-Federal proposals.

Out of these Presidential observations and after prolonged study by congressional committees and commissions established to develop a national water policy came the Federal Water Power Act of 1920. The concept of comprehensive river-basin development is now generally recognized as the keystone of the Federal Power Act. The Supreme Court pointed this out in *First Iowa Cooperative v. Federal Power Commission* (328 U. S. 152, 180-181), when it said that the Power Act—

"* * * was the outgrowth of a widely supported effort of the conservationists to secure enactment of a complete scheme of national regulation which would promote the comprehensive development of the water resources of the Nation, insofar as it was within the reach of the Federal power to do so, instead

of the piecemeal, restrictive, negative approach of the River and Harbor Acts and other Federal laws previously enacted."

Fundamental policies of the Federal Power Act and the scheme of administrative licensing thereby established with primary responsibility vested in the Federal Power Commission as an independent bipartisan arm of Congress have withstood local pressures and the test of critical examination over a long period of years. As the Supreme Court said in the Roanoke Rapids case (*Chapman v. Federal Power Commission* (345 U. S. 153, 167)), "From the time that the importance of power sites was brought to public and congressional consciousness during the administration of President Theodore Roosevelt, the significant development has been the devising of a general power policy instead of ad hoc action by Congress, with all the difficulties and dangers of local pressures and logrolling to which such action gave rise. (See the Veto Messages of Presidents Roosevelt and Taft, e. g., 36 Congressional Record 3071 (Muscle Shoals, Ala., 1903); 42 Congressional Record 4698 (Rainy River, 1908); H. Doc. No. 1350, 60th Cong., 2d sess. (James River, 1909); H. Doc. No. 899, 62d Cong., 2d sess. (White River, 1912); S. Doc. No. 949, 62d Cong., 2d sess. (Coosa River, 1912).)" For an extensive review of the need for integration of Federal activities affecting water uses see, e. g., Report of Secretary of War Stimson (H. Doc. No. 929, 62d Cong., 3d sess., pp. 32-35 (1912)).

The Federal Power Commission was created as an independent regulatory commission by act of Congress, June 23, 1930 (46 Stat. 797). During the preceding 10-year period administration of the Commission's licensing functions had been vested in the Secretaries of War, Interior, and Agriculture, constituted as an ex officio commission by the Federal Water Power Act of 1920. Experience over that period demonstrated that this system of divided, part-time departmental responsibility was not conducive to the development of the comprehensive and vigilant national-water-resources policy originally envisaged by the 1920 Act. This is apparent from the legislative history of the 1930 Act which reorganized the Commission as an independent agency. Secretary of the Interior Wilbur, in expressing the administration's views in support of the change, stated to the House Committee on Interstate and Foreign Commerce (Hearings on H. R. 11408, 71st Cong., 2d sess., pp. 48-49):

"I agree with Secretary (of Agriculture) Hyde that we can well allow these departments to be represented at hearings before the Commission to present phases of departmental interest, rather than to have the control remain in the departments. Otherwise, even though you set up the Commission, you will leave in the hands of the Secretaries, or in the hands of the Bureau heads, the power to negate whatever the Commission may want to do, that is, to ask the consent of the department involved.

"I cannot conceive of this Federal Power Commission really being effective unless it controls all power sites where it grants licenses, for if you have to ask the permission of this department or that department, there will be difficulties that will be absolutely impossible to overcome."

In thus pointing to the necessity for resolution of interagency conflicts, Secretary Wilbur was not only speaking for himself but for the Secretaries of Agriculture and War (who with him comprised the Federal Power Commission) and for the administration. The unfortunate history of the Federal Power Commission up to that time was a tragic reminder of the difficulty which reasonable men may encounter in trying to work together without centralization of responsibility. This was especially apparent where the executive departments (Interior and War) had construction and operating responsibilities in reclamation, flood control, navigation, and power distribution, which would tend to have an influence upon their decisions in power licensing cases. Congress, itself, has recognized the role of an independent agency by directing that rates for the sale by the Secretary of the Interior of power generated at certain Federal flood-control projects should be submitted for approval by the Federal Power Commission (Flood Control Act of December 22, 1944, 58 Stat. 887, 890; 16 U. S. C. 825s).

For another thing, by reason of their location many of the potential hydro-electric projects may be expected to be in some manner detrimental to the conservation of migratory fish and game. The bill makes no provision for balancing of the detriments against the benefits, for it simply prohibits the issuance of a license where there is detriment. Under the present situation, however, the overall public good is examined and where the benefits clearly outweigh the detriments, the water resources can be put to the most beneficial

public uses. Moreover, as previously mentioned, this has resulted in more extended study of remedial measures than would obtain if streams were left in their natural state without the ingenuity of man to protect fish and wildlife and, indeed, even to augment these great natural resources.

In order to insure the continued effectiveness of the licensing provisions of the Federal Power Act and the exercise of such powers in conformity with the basic considerations which led to the enactment of the Federal Power Act, it is important that the Commission's authority to decide all issues in accordance with the evidence presented be preserved and not circumscribed by restrictive amendments such as that carried in S. 3185.

Finally, the enactment of such legislation is unnecessary because the interests of all State and Federal agencies concerned with protection of migratory fish and of game are adequately safeguarded by existing statutory provisions and administrative procedures for the consideration and determination of licensing matters under the act. The Commission therefore recommends against enactment of the bill.

FEDERAL POWER COMMISSION,
By FREDERICK STUECK,
Acting Chairman.

Mr. GATCHELL. I think there are some misapprehensions, if I might just take a minute of your time to clear up some of these things.

The CHAIRMAN. All right.

Mr. GATCHELL. I am sure you want merely to get the facts as they are. We are in complete agreement with the Department of the Interior that this question that is posed by the bill is essentially one for Congress. When you ask that the Secretary of the Interior be given a veto power, which would authorize him to have a veto power over the issuance of licenses, that is a matter which Congress will have to decide.

The Commission's report calls attention to the manner in which the Commission was originally set up as a 3 Cabinet member board, and was reorganized in 1930 as an independent agency to get away from the very difficulty which would face the Commission if this bill should be enacted in its present form.

Now, when the Commission was set up as an independent agency in 1930, and composed of five members, it received records from all of these departments on every licensed project, so that the considerations which are the primary responsibility of each Cabinet officer could be given consideration by an agency which was not charged with operating responsibility, and therefore could approach the problem objectively, and to do what the act was designed to do originally, to provide for comprehensive river development.

In the course of its work, the Commission has invariably asked the Secretary of the Interior for reports on these projects, and we expect to continue to do so whether the bill is passed or not, because only in this way can the Secretary of the Interior come in and advise the Commission as to what his views are upon the matters for which he has primary responsibility.

The CHAIRMAN. May I interrupt there.

I want to place in the record, at this time, so it will be complete, S. 2847, which is a comprehensive bill introduced by myself and several other Senators. The Power Commission sent up a report on this bill. I think it is directly connected with this whole matter, and it should be in the record in full.

(The information referred to appears earlier in this hearing.)

[S. 2847, 85th Cong., 1st sess.]

A BILL To amend the Federal Power Act, as amended, to require that the Federal Power Commission shall license only those projects which are best adapted to improving or developing the water resources of a river basin, in order to obtain by integrated operation the maximum amount of net public benefits, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Federal Power Act (16 U. S. C. 796) is amended by adding at the end thereof the following:

"(17) 'Comprehensive Plan' means the best of alternative plans for a project or projects for improving or developing the water resources of a river basin to obtain by integrated operation the maximum amount of net public benefits from such resources for all beneficial public uses during the economic service life of existing and potential projects.

"(18) 'A project best adapted to a comprehensive plan' means that project which, by itself or in combination with other existing and potential projects, enables the best comprehensive plan to contribute by integrated operation the maximum amount of net public benefits as compared with alternative projects and alternative comprehensive plans.

"(19) 'Net public benefits' means the difference between the estimated dollar value of all beneficial public uses and the estimated measurable dollar cost of obtaining those beneficial public uses during the economic service life of a project. Costs and benefits of each project shall be valued by the Commission on the basis of the costs and benefits that would be incurred by or accrue to whoever is considered to construct the project. Where the project could be considered to be constructed by the United States, the costs shall be based on those which actually would be incurred by Federal construction agencies and the rate of interest used, unless otherwise provided by law, shall be the average rate on all outstanding marketable obligations of the United States Treasury. Where the project would be expected to be constructed by a private corporation or non-Federal public agency, the costs and benefits shall be based on those that would be incurred by or accrue to that private corporation or non-Federal public agency. Where comparisons between projects possible for construction by the United States and by others are affected by differences in construction standards, or payments or nonpayments of taxes, or interest rates, or other factors, then the Commission shall also make comparisons in terms of physical quantities of the benefits produced in power, flood control, and other public uses, so as to show which project will produce the maximum physical benefits, provided that such comparisons shall be made only for such projects the costs of which are not in excess of the benefits according to the particular methods of measuring costs and benefits appropriate to each project.

"(20) 'Beneficial public uses' include but are not limited to uses for power generation; flood control; navigation; irrigation; commercial and sports fisheries; wildlife; recreation; domestic, industrial, and mining uses of water; salinity control; silt control; pollution control; bank stabilization; control of beach erosion; enhancement of waterfront real estate values; improvement in water quality; improved streamflow and regulation; stabilization of water level."

SEC. 2. Subsection (a) of section 10 of the Federal Power Act (16 U. S. C. 803), as amended, is hereby repealed and the following new subsection substituted therefor:

"(a) That the project adopted, including the maps, plans, and specifications, shall be best adapted to a comprehensive plan for improving or developing a river basin for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes. The Commission shall give full consideration to any alternative projects investigated or under investigation by others including Federal agencies and to any comprehensive plans prepared by or under preparation by others including Federal agencies before determining that a project is best adapted to a comprehensive plan; and if necessary in order to secure the best project and best plan, the Commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval: *Provided*, That the Commission may license any project that it finds not best adapted to a comprehensive plan only after submitting a report with findings and recommendations to the Congress, including a report on the best alternative project, if any, and provided the Congress then authorizes the issuance of the license".

The CHAIRMAN. I might say that the suggestion has been made that possibly whatever problem this poses in 3185 might well be incorporated in some way in the comprehensive bill rather than a separate piece of legislation.

Mr. GATCHELL. Yes, sir.

I am not, of course, prepared to express the views of the Federal Power Commission.

The CHAIRMAN. I understand that.

Mr. GATCHELL. On the suggestion by the Secretary of the Interior as to the amendment, section 10 (a), but personally, I would think that would be a desirable amendment for the purpose of clarifying the position of the Secretary of the Interior.

He is entitled to come in under present circumstances, it is not necessary for him to intervene. If he wants to intervene, he may do so and has done so in times past, but he is entitled to and does now make very vigorous presentations in support of the position of his department.

As a matter of fact, Mr. Chairman, there have been very few instances when there have been difficulties arising, and in only two cases has there been an actual conflict between the power interests and the fishery interests which have not been reconciled in a manner satisfactory to everybody.

Those two happen to involve two with which you are very familiar, namely, the Cowlitz project, by the city of Tacoma, and the Pelton project, by the Portland General Electric Co.

Now, if I may, Mr. Chairman, I would like to put in two tables, one, a list of applications for preliminary permit or license for Pacific Northwest projects which fishery agencies have requested the Commission to deny. I will give you that complete list.

Then, a second, "Projects constructed or under construction in the Pacific Northwest to which the Secretary of the Interior offered no objection but indicated would be detrimental to migratory fish and migratory waterfowl."

(The tables referred to follow :)

Projects constructed or under construction in the Pacific Northwest to which the Secretary of the Interior offered no objection but indicated would be detrimental to migratory fish and migratory waterfowl

Project		Applicant	State	River	Installed capacity, kilowatts	Date of Secretary of the Interior letter
No.	Application for, and amendment of, licenses ¹					
943	A ²	Public Utility District No. 1 of Chelan County	Washington	Columbia	135,000	Sept. 11, 1951
1971	L	Idaho Power Co.	Idaho, Oregon	Snake	783,000	July 7, 1953
2055	L	do	Idaho	do	82,500	Nov. 3, 1950
353	A	City of Seattle	Washington	Skagit	350,000	Dec. 5, 1948
2195	L	Portland General Electric Co.	Oregon	Clackamas	38,400	Apr. 23, 1956
2150	L	Puget Sound Power & Light Co.	Washington	Baker	140,000	Feb. 9, 1956
2233	L	Portland General Electric Co.	Oregon	Willamette	31,240	Dec. 13, 1957
2111	L	Pacific Power & Light Co.	Washington	Lewis	189,000	} Apr. 12, 1956
2213	L	Public Utility District No. 1 of Cowlitz County	do	do	67,500	
Total					1,826,640	

¹ Application for L—license; A—amendment of license.

³ Constructed.
⁴ Under construction.

Applications for preliminary permit or license for Pacific Northwest projects which fishery agencies have requested the Commission to deny

Project		Applicant	State	River	Installed capacity, kilowatts	Agency requesting denial of application ²
No.	Application for permit and license ¹					
2016	L	Mayfield, Mossy-rock.	Washington	Cowlitz	400,000	DI—Oct. 20, 1949; WDF and WDG—petition Oct. 19, 1950 and prior letters.
2030	L	Pelton	Oregon	Deschutes	108,000	DI—June 11, 1951, Sept. 15, 1949; OFC and OGC—petition July 2, 1951.
2114	P	Priest Rapids	Washington	Columbia	1,170,000	OGC—Jan. 27, 1953; OFC—Jan. 30, 1953; WDF and WDG—Jan. 30, 1953.
2141	P	Priest Lake	Idaho	Priest	4,250	Idaho Fish and Game Department, Nov. 3, 1953.
2145	P	Rocky Reach	Washington	Columbia	711,550	OFC—Jan. 28, 1954.
2147	P	Bruce Eddy-Peuny Cliffs.	Idaho	Clearwater	536,000	OFC—Mar. 6, 1954; OGC—Mar. 25, 1954; WDF and WDG—Feb. 24, 1954.
2149	P	Wells	Washington	Columbia	588,000	OFC—Mar. 6, 1954; OGC—Mar. 25, 1954; WDF and WDG—Apr. 7, 1954.
2151	{ P L	{ Wenatchee	{ do	{ Wenatchee	180,000	{ WDF and WDG—Mar. 29, 1954; OFC—Apr. 23, 1954; WDF and WDG petition Sept. 12, 1957.
2158	P	Silverton, Tyree, Rove Granite Falls.	do	South Fork, Stillaguamish.	85,500	WDF and WDG—Aug. 2, 1954; also petition—Oct. 13, 1954.
2172	P	Bald Mountain	Oregon	Illinois	140,000	OFC—Jan. 25, 1955.
2209	P	Grays River	Washington	Grays	15,000	WDF and WDG—June 21, 1956, and petition, Sept. 6, 1956.
Total capacity					3,998,300	

³ Construction was commenced but later suspended due to litigation.

⁴ Under construction (Feb. 1, 1958).

¹ P—application for preliminary permit. L—application for license.

² Key for abbreviations:

DI—Department of the Interior.
WDF—Washington Department of Fisheries.
WDG—Washington Department of Game.
OFC—Oregon Fish Commission.
OGC—Oregon Game Commission.

Mr. GATCHELL. I suggest these are important, because it shows in how many cases the Commission has required very expensive installations for the protection of fish and migratory waterfowl.

We are not alone concerned with fisheries out in this area, but also with migratory waterfowl such as Canadian geese which came up in connection with the C. J. Strike project on the Idaho River east of Boise, and the Commission there required a rather expensive investment by the company to protect migratory waterfowl.

The CHAIRMAN. There is no denying that the Interior Department has intervened in many cases, and I think in many cases has done a good job over the years. There have been cases that have been very disappointing to some of us where they have not intervened, where we thought they should have intervened. I know that one of the purposes of the proponents of this bill, without discussing the merits of the language, or the administration, is that there would be some requirement that those who have the interests of the fish and wildlife intervene and present a case.

I appreciate that that rests a great deal with the philosophy of the Secretary of the Interior, whoever he may be at a given time.

I suppose you could find some power advocates to say the Secretary of the Interior is too zealous in this matter, and others on the other side who would say he is not zealous enough, depending on his own philosophy.

Mr. GATCHELL. I would think so, Mr. Chairman, because one of the unfortunate aspects of the democratic government is that you have to depend on men, after all, to administer your laws.

The CHAIRMAN. And no law is better than the person administering it.

Mr. GATCHELL. We have regarded ourselves at the Power Commission as weighing these conflicting interests. Some of the power companies have objected strenuously to the expensive conditions that the Commission has put in.

The city of Takoma would have to spend \$7,100,000 for the fish protection facilities which the Commission requires, and in that connection I might point out to you, because there has been reference to it this morning, it was the Federal Power Commission which required the Idaho Power Co. to put in the fishery facilities.

The CHAIRMAN. Where?

Mr. GATCHELL. In the license authorized by the Commission.

The CHAIRMAN. On the Brownlee project?

Mr. GATCHELL. The fishery facilities will be in all three. The Brownlee is the first one being constructed.

The CHAIRMAN. What have you to say about the statement made this morning that the company claims the project is now 80 percent complete and nothing has been done yet about fisheries?

Mr. GATCHELL. I will get right to that, because it has great bearing on it.

In the license issued, found in Opinion 283, Idaho Power Co. projects 1971, 2132, and 2133, as issued August 4, 1955, the Commission states—

If I may just give this to the reporter, without reading the whole thing in?

The CHAIRMAN. We will have it on file with the committee.

Mr. GATCHELL. Article 34.

(The information above referred to is as follows:)

ART. 34. The licensee shall make available to the Secretary of the Interior, upon his request and further order of the Commission, a sum up to \$250,000 for use by the Fish and Wildlife Service to carry out detailed studies of the extent and character of the fishery resource of the project areas and to devise means and measures for mitigating losses to that resource.

ART. 35. The licensee shall construct, maintain and operate or shall arrange for the construction, maintenance and operation of such fish ladders, fish traps or other fish-handling facilities or fish-protective devices and provide fish-hatchery facilities for the purpose of conserving the fishery resources and comply with such reasonable modifications of the project structures and operation in the interest of fish life as may be prescribed hereafter by the Commission upon its own motion or upon the recommendations of the Secretary of the Interior and the conservation agencies of the States of Idaho and Oregon.

ART. 36. The licensee shall negotiate with the Fish and Game Commission of the State of Oregon and Department of Fish and Game of the State of Idaho with respect to the amount the licensee shall pay each year to defray a reasonable portion of the operation and maintenance cost of fishery facilities to be provided under the license. Should the licensee and the State agencies fail to agree on the amount to be paid by the licensee for such purpose, the Commission reserves the right to determine the amount of this annual payment after notice and opportunity for hearing.

ART. 37. The licensee shall negotiate with the Game Commission of the State of Oregon and the Department of Fish and Game of the State of Idaho with respect to the acquisition by the licensee for the State agencies of island and marsh areas along the Snake River for development as substitutes for waterfowl nesting areas to be lost by reservoir inundation.

Should the licensee and the State agencies fail to agree on the acquisition of such lands, the Commission reserves the right to make a final determination in this matter after notice and opportunity for hearing.

UNITED STATES OF AMERICA

FEDERAL POWER COMMISSION

Before Commissioners: Jerome K. Kuykendall, Chairman; Seaborn L. Digby, Frederick Stueck, William R. Connoles, and Arthur Kline

IN THE MATTER OF IDAHO POWER Co., PROJECT No. 1971

ORDER PRESCRIBING FISH FACILITIES

(Issued February 12, 1958)

The Idaho Power Co. (licensee), as the result of consultation and cooperation with the United States Fish and Wildlife Service, the Idaho Department of Fish and Game and the Fish and Game Commissions of the State of Oregon, has submitted general plans showing the functional design of fish facilities for the Brownlee and Oxbow developments pursuant to article 35 of the license for project No. 1971.

The Secretary of the Interior and the aforesaid Fish and Game agencies of the States of Idaho and Oregon have advised the Commission that they concur in the plans submitted by the licensee, subject to such further reasonable modification of fish facilities as the Commission may hereafter prescribe upon their respective recommendations and provided that additional fish facilities may be prescribed pursuant to article 35 of the license.

The general plans submitted by the licensee show the functional design of a forebay net barrier with fish skimming and trapping devices at Brownlee dam for downstream migrants; upstream facilities at the Oxbow powerhouse and spillway; and facilities for transfer of anadromous fish runs from the Wildhorse River which will flow into the Oxbow pool. The facilities for transfer of fish from the Wildhorse River have been installed.

The Commission finds:

It is consistent with the public interest that fish facilities be prescribed for the Brownlee and Oxbow developments of project No. 1971, pursuant to article 35 of the license, as hereinafter provided.

The Commission orders:

(A) The licensee for project No. 1971 shall construct, operate, and maintain the following fish facilities subject to such reasonable modifications as the Commission may hereafter prescribe upon recommendation of the Secretary of the Interior, the Idaho Department of Fish and Game, and the Oregon Fish and Game Commissions:

(i) Forebay net barrier with fish skimming and trapping devices upstream from the Brownlee dam, generally as shown on drawings Nos. CV-83-023, CV-83-024, CV-83-021, and CV-83-022, together with suitable means of transporting downstream migrating fish from the traps of the facility for release below the lowermost dam when constructed or under construction pursuant to this license.

(ii) Upstream migrant facilities at the Oxbow powerhouse and spillway, generally as shown on drawings Nos. DC-83-011, DC-83-017, DC-83-025, and DC-83-201, together with suitable means for transporting upstream migrating fish from the traps of the facility for release above the Brownlee dam.

(iii) Facilities for transfer of anadromous fish runs from Wildhorse River, including fish trapping facilities, generally as shown on drawing No. 14559, sheets 1, 2, and 3.

(B) The Licensee shall proceed immediately with the construction of the facilities prescribed in subparagraph (i) of paragraph (A) of this order and shall not commence filling the Brownlee reservoir until authorized to do so by further order of the Commission.

(C) Nothing herein shall be construed as full compliance with the provisions of article 35 of the license for project No. 1971.

(D) This order shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided in section 313 (a) of the Federal Power Act, and failure to file such an application shall constitute acceptance of this order.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., November 8, 1956.

HON. JEROME K. KUYKENDALL,
Chairman, Federal Power Commission,
Washington, D. C.

MY DEAR MR. KUYKENDALL: This letter contains preliminary recommendations of this Department for the construction of fish conservation facilities at projects Nos. 1971 (Oxbow), 2132 (Hells Canyon), and 2133 (Brownlee) on the Snake River, Oregon-Idaho. These recommendations are made in implementation of article 35 of the license for these projects, issued by the Commission on August 4, 1955.

A significant run of salmon and steelhead utilizes the spawning and rearing area above the Brownlee site. To deprive the region and the Nation of the benefits accruing from the continued availability of this area for spawning and rearing would constitute an unnecessary sacrifice of an important portion of one of the principal resources of the Columbia River Basin, not sound, comprehensive development of the basin. Therefore, it is the recommendation of this Department that facilities be installed to permit the continued utilization of this upstream area for spawning and rearing, and the licensee be directed by the Commission to design, construct, and operate these facilities in accordance with standards acceptable to the Fish and Wildlife Service of this Department, the Idaho Fish and Game Department, the Oregon Fish Commission, and the Oregon Game Commission. Each of these State agencies, as well as the Fish and Wildlife Service, has a direct interest in the conservation of the fishery resources affected by these projects.

Upstream passage facilities are required for the collection of unstream migrating fish at a point below that dam which constitutes the farthest downstream block at any given time. These facilities will involve (1) a rack or weir or other suitable device in the river by which the upstream migrating fish would be directed to a point where they can be brought under physical control in a suitable collecting pool or chamber, (2) devices for the transfer of these upstream migrating fish from such pool or chamber into specially designed trucks in which the fish can be conveyed to the point of release in the forebay of Brownlee Dam, and (3) the trucks themselves. As necessary appurtenances for these upstream facilities there will be required, among other items, satisfactory access roads connecting existing highways with the point of collection of the upstream migrating fish and with the point of their return to the river, service buildings, auxiliary equipment, and the like.

In view of the sequence of construction being followed by the licensee, collection facilities for upstream migrants will need be installed at the Brownlee and Oxbow structures to serve only on a temporary basis while each of these structures constitutes the lowermost block to fish passage. Below the Hells Canyon Dam the necessity for permanent rather than temporary facilities will depend upon the action of the Commission on the application for license for project No. 2173. In the event a license for project No. 2173 is issued, the collection facilities for upstream migrants will necessarily have to be placed, again, at whichever is the lowermost dam forming a block at any given time. We anticipate recommending, in case the license for project No. 2173 is issued, that permanent facilities for upstream migrants be constructed below the Mountain Sheep Dam. In any event, the Snake River from the point of confluence of the Innaha River to the Brownlee site constitutes a unit for purposes of anadromous fish conservation and, therefore, facilities for the collection and transportation of upstream migrants must be provided at the lowermost point above the mouth of the Innaha River where construction work blocks the river at any particular time.

Temporary facilities for the collection of upstream migrants at the outlet of the diversion tunnel at Brownlee have already been provided by the licensee in accordance with the recommendations of and in cooperation with the Fish and Wildlife Service. These collection facilities for upstream migrants are expected to be satisfactory for that purpose so long as water is diverted through the tunnel. Other upstream facilities, as outlined above, will need to be provided in time to be ready for full operation when the diversion of the Snake River through the tunnel at Brownlee Dam ceases.

For the collection and passage of downstream migrants, the Department recommends the installation of a so-called skimmer system at Brownlee Dam. The skimmer system should be of the type referred to in exhibit 105 which has been received in evidence in the proceedings on the application for license in project No. 2173 and as discussed in the testimony given in that proceeding on September 27, 1956, by Mr. S. J. Hutchinson of the Fish and Wildlife Service: "In the opinion of this Department, there is sufficient probability of success to warrant the inclusion of the skimmer system as the collection facility for downstream migrants. It is, therefore, recommended that the Commission prescribe that the licensee construct, operate, and maintain the facilities necessary to carry out the skimmer principle for the collection of downstream migrants at the Brownlee Dam."

The skimmer system is based upon the principle that downstream-migrating fish are reluctant to enter waters of a substantial depth. The functional operation of such a system, therefore, invokes (1) provision for drawing water for turbine intakes from the lower levels of a deep reservoir to take advantage of the fact that fish will not enter water at such levels, and (2) the use of the facility to attract and collect fish at the water surface (i. e., the skimmer facility itself), which facility must be designed so as to function satisfactorily at the water surface regardless of fluctuations in the reservoir level, and which may or may not include an electrical guiding array, depending on the outcome of experiments now in progress. The first factor mentioned is provided either by placement of the turbine intake themselves at considerable depths (at least 120 feet) below the lowermost level of the forebay or by the placement of a so-called curtain wall in front of higher turbine intakes so that water for the turbines will be drawn from a lower level than that to which the fish will descend. The fish would be collected from a flow of water passing through the skimmer facility. After collection, they would be transported by truck past the lowermost dam constituting a block in the river at any particular time and released. The permanent downstream passage facilities involving this skimmer system must be

completed and ready for operation prior to the impoundment of water behind Brownlee Dam.

While principles of design, construction, and operation of fish passage facilities should be developed by the licensee in collaboration with the Fish and Wildlife Service and the State conservation agencies, the licensee should be given responsibility by the Commission for the engineering design of these facilities, based on functional criteria to be developed cooperatively with the Fish and Wildlife Service and the State conservation agencies. The Fish and Wildlife Service, in cooperation with the States, is prepared to undertake an energetic program looking toward development of these criteria at the earliest possible date. This Department will, of course, cooperate closely with the licensee and the State agencies to the end that mutual agreement may be reached on specific plans and license provisions which can then be submitted to the Commission for approval.

The recommendations in this letter, in partial implementation of article 35 of the license for projects Nos. 1971, 2132, and 2133, are necessarily confined at this time to advice concerning the general scope and type of requisite fish passage facilities in order that the licensee may institute necessary steps toward design and construction of these facilities at the earliest possible time. As progress is made on studies, under article 34 of the license, it is anticipated that additional designs and plans for the protection of the Fish and Wildlife affected by these projects will be developed. We will, of course, advise the Commission as rapidly as feasible of the need for such additional facilities as may be indicated in further implementation of article 35.

Sincerely yours,

FRED G. LANDAHL,
Assistant Secretary of the Interior.

The CHAIRMAN. All right, now, that is all in the license?

Mr. GATCHELL. Yes, sir.

The CHAIRMAN. And that is the condition imposed.

Mr. GATCHELL. Yes, sir.

The CHAIRMAN. But the testimony here this morning was that the dam, by the company's own estimates, is now 80 percent complete, and nothing has been done whatsoever to carry out the mandate of the Power Commission's provisions in the license.

Mr. GATCHELL. Now, what I read to you was from the Commission's order of August 1955.

On February 12, 1958, the Commission issued an order, and if I may, I will just put it in the transcript at this place and have it copied. I will just refer to one paragraph of that order.

(The order follows:)

UNITED STATES OF AMERICA

FEDERAL POWER COMMISSION

Before Commissioners: Jerome K. Kuykendall, Chairman; Seaborn L. Digby,
Frederick Stueck, William R. Connole, and Arthur Kline

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The Idaho Power Co. (licensee), as the result of consultation and cooperation with the United States Fish and Wildlife Service, the Idaho Department of Fish and Game and the Fish and Game Commissions of the State of Oregon, has submitted general plans showing the functional design of fish facilities for the Brownlee and Oxbow developments pursuant to article 35 of the license for project No. 1971.

The Secretary of the Interior and the aforesaid Fish and Game agencies of the States of Idaho and Oregon have advised the Commission that they concur in the

plans submitted by the licensee, subject to such further reasonable modification of fish facilities as the Commission may hereafter prescribe upon their respective recommendations and provided that additional fish facilities may be prescribed pursuant to article 35 of the license.

The general plans submitted by the licensee show the functional design of a forebay net barrier with fish skimming and trapping devices at Brownlee Dam for downstream migrants; upstream facilities at the Oxbow powerhouse and spillway; and facilities for transfer of anadromous fish runs from the Wildhorse River which will flow into the Oxbow pool. The facilities for transfer of fish from the Wildhorse River have been installed.

The Commission finds:

It is consistent with the public interest that fish facilities be prescribed for the Brownlee and Oxbow developments of project No. 1971, pursuant to article 35 of the license, as hereinafter provided.

The Commission orders:

(A) The licensee for project No. 1971 shall construct, operate, and maintain the following fish facilities subject to such reasonable modifications as the Commission may hereafter prescribe upon recommendation of the Secretary of the Interior, the Idaho Department of Fish and Game, and the Oregon Fish and Game Commissions:

(i) Forebay net barrier with fish skimming and trapping devices upstream from the Brownlee Dam, generally as shown on drawings Nos. CV-83-023, CV-83-024, CV-83-021, and CV-83-022, together with suitable means of transporting downstream migrating fish from the traps of the facility for release below the lowest dam when constructed or under construction pursuant to this license.

(ii) Upstream migrant facilities at the Oxbow powerhouse and spillway, generally as shown on drawings Nos. DC-83-011, DC-83-017, DC-83-025, and DC-83-201, together with suitable means for transporting upstream migrating fish from the traps of the facility for release above the Brownlee dam.

(iii) Facilities for transfer of anadromous fish runs from Wildhorse River, including fish trapping facilities, generally as shown on drawing No. 14559, sheets 1, 2, and 3.

(B) The licensee shall proceed immediately with the construction of the facilities prescribed in subparagraph (i) of paragraph (A) of this order and shall not commence filling the Brownlee reservoir until authorized to do so by further order of the Commission.

(C) Nothing herein shall be construed as full compliance with the provisions of article 35 of the license for project No. 1971.

(D) This order shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided in section 313 (a) of the Federal Power Act, and failure to file such an application shall constitute acceptance of this order.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary*.

The CHAIRMAN. Now, that is the crux of this thing, whether they can fill this reservoir, and it costs them money if they do not fill it, so they are under a very great economic impulse there to comply with the Fishery requirements before they can fill.

Mr. GOTCHELL. We wrote to the State Commission, State agencies in both Idaho and Oregon, and if I may, I would like to put in the record the letter of January 17, 1958, from Ross Leonard, of the Department of Fish and Game of the State of Idaho;

A letter from Mr. P. W. Schneider, Director of the Oregon State Game Commission, dated January 22, 1958;

A letter from Mr. George Y. Harry, Jr., Acting State Fisheries Director, Fish Commission of Oregon, dated January 23, 1958, and a letter from Fred G. Aandahl, Acting Secretary of the Interior, dated February 5, 1958, dealing with the very matter of what they shall put in before they shall start filling the reservoir at Brownlee.

(The letters follow:)

STATE OF IDAHO,
DEPARTMENT OF FISH AND GAME,
January 17, 1958.

FEDERAL POWER COMMISSION,
Washington, D. C.

GENTLEMEN: Reference is made to your letter of December 24, 1957, relative to project No. 1971 and plans for fish facilities for the Brownlee and Oxbow developments.

These plans, as submitted by Idaho Power Co., are in general agreement with our recommendations to the company for handling the fish. It is mutually understood, however, between the agencies and the company that the model studies now in progress at Washington State College, Pullman, on the forebay barrier might indicate the need for changes in design and/or location of the barrier and, further, that during the development of detailed engineering plans for the artificial outlets, forebay barrier, fish lock cylinder, pump and transportation equipment, all of which are being recommended for facilitating passage of downstream migrant fish at Brownlee Dam, we are reserving the right to make recommendations which will improve the function of these facilities.

With these reservations, then, general approval is given to the plans as submitted by the Power Company, as follows: Nos. CV-83-021, 022, 023, and 024; DC-83-011, 017, 201, and 025 (which replaces 022).

The facilities for trapping the runs from Wildhorse River have been installed and are in operation at the present time. The plans for these facilities Nos. D-14559 (3 sheets) are also approved.

Yours very truly,

ROSS LEONARD, *Director.*

STATE OF OREGON,
OREGON STATE GAME COMMISSION,
Portland, January 22, 1958.

Re project No. 1971—Idaho Power Co.

FEDERAL POWER COMMISSION,
Washington, D. C.

GENTLEMEN: Our letter of December 30, 1957, was not an answer to yours of December 24, 1957, which transmitted copies of a number of drawings and other documents sent to you by the Idaho Power Co.

A model for the downstream net barrier in the Brownlee forebay constructed for the Idaho Power Co. has just been completed and testing is now under way on it. This work is resulting in a number of changes to drawings pertinent to that phase of the project. We have also received from the company a changed drawing to replace that numbered DC-83-022.

We approve the general ideas expressed in the drawings, but must be able to suggest changes or agree to those suggested by others. This we could not do if final approval were given to these drawings, some of which are already obsolete. On the basis that mutually acceptable changes for improvement can be made, we are in accord with Brownlee drawings CV 83-023, CV 83-024, CV 83-021 (which negates artificial outlet details on CV 83-024), CV 83-022, and Oxbow drawings DC 83-011, DC 83-017, DC 83-025 (which supersedes CD 83-022), and DC 83-201. The Wildhorse River facilities shown in drawing D-14559 (3 sheets) are constructed, and subject to minor changes that may become necessary, we approve them.

We appreciate the imminence of completion of Brownlee construction, and the fact that fish facilities must be ready at that time. It is hoped this can be accomplished without delaying construction. Yet it is mandatory that the fishery protective elements be integrated in the installation as construction schedules proceed.

Yours very truly,

P. W. SCHNEIDER, *Director.*

STATE OF OREGON,
FISH COMMISSION OF OREGON,
Portland, January 23, 1958.

FEDERAL POWER COMMISSION,
Washington, D. C.

GENTLEMEN: Reference is made to your letter of December 24, 1957. As requested we herein comment on the specified plans for fish facilities at Idaho Power Co.'s project No. 1971 which accompanied your letter. Our approval is qualified by certain revisions which have been made to these plans.

The general plan for collection of downstream migrant fish in the Brownlee forebay as illustrated by drawings CV 83-023, CV 83-024, CV 83-021, and CV 83-022 is approved. However we reserve the privilege to make recommendations concerning details of these plans that have not yet been resolved. Further we wish to inform the Commission that present plans for downstream migrant collection with the floating barrier rests with the outcome of the scale model at Pullman, Wash.

We agreed to the general schemes for both temporary and permanent trapping of upstream migrant fish at Oxbow Dam but we must refrain from complete approval of plans DC 83-011, DC 83-017, DC 83-022, and DC 83-201 for the reason that minor changes have resulted since the receipt of these drawings.

We also approve the Wildhorse River fish trapping facilities as illustrated in plan D-14559, sheets 1-3.

We reserve the privilege of reviewing and commenting on further qualifications on these drawings which may be made by any of the fisheries agencies.

This office is fully cognizant of the time schedule for filling the Brownlee reservoir.

Sincerely yours,

GEORGE Y. HARRY, Jr.,
Acting State Fisheries Director.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., February 5, 1958.

HON. JEROME K. KUYKENDALL,
Chairman, Federal Power Commission,
Washington, D. C.

DEAR MR. KUYKENDALL: The Commission's letter of December 24, 1957 (your reference project No. 1971, Idaho Power Co.), referred to plans for fish facilities for the Brownlee and Oxbow developments enclosed with a letter of December 13, 1957, to the Commission from the Idaho Power Co., and requested our advice as to whether the plans as submitted are in accordance with this Department's recommendations for the handling of fish at the Brownlee and Oxbow developments.

This Department's recommendations for the handling of anadromous fish at these developments were set out in our letters to the Commission dated November 8, 1956, July 1, 1957, and December 9, 1957.

The designs of the passage facilities as presented in the drawings accompanying the licensee's letter of December 13 are, in general, consistent with our recommendations. Operation of the model of the net barrier for Brownlee Dam at the Hydraulic Laboratory at Pullman, Wash., on January 14 revealed that there were several features that would require modification. Additional model studies are underway to evolve design changes, and it is anticipated that mutually acceptable revisions can be effected. With this understanding, we believe it now appropriate for the Commission to implement articles 35 and 36 of the license by specifying installation of the facilities of the general nature exhibited in the drawings.

The cost of operating and maintaining these facilities, together with the cost of providing necessary ancillary services, such as the transportation of migrants, are, in our view, properly assignable wholly to the licensee, since these facilities and services are required solely by reason of the project under license. For similar reasons, the operation and maintenance of the facilities should be performed by the licensee's personnel.

We have in this letter refrained from commenting upon the observations made by the licensee in its December 13 letter relative to cost estimates and fishery values, since the basic issue of the inclusion of fish protective facilities was resolved by the Commission in its Opinion No. 283 and the accompanying order issuing the license for these projects.

Sincerely yours,

FRED G. AANDAHL,
Secretary of the Interior.

The CHAIRMAN. Now, let me ask this for the record. Are the conditions in the license somewhat general, that they should do certain things?

Mr. GATCHELL. Yes, sir.

The CHAIRMAN. Now, that must be implemented by a plan.

Mr. GATCHELL. Which the Federal Power Commission must first approve before they can fill.

The CHAIRMAN. Has that plan reached the Federal Power Commission?

Mr. GATCHELL. Yes, sir, the order of February 12, 1958, gives the facilities that are to be constructed and the manner in which they are to be constructed, forebay net barrier with fish skimming and trapping devices upstream from the Brownlee Dam.

It is generally shown on several drawings which are specifically approved by the Commission, together with suitable means for transporting downstream migrating fishes from the traps of the facility for release below the lowermost dam under construction pursuant to this license.

Now, those, Mr. Chairman, are specific designs for specific facilities that have been presented to these State agencies and to the Department of the Interior.

The CHAIRMAN. All right.

That is what is known generally as the skimmer method?

Mr. GATCHELL. Well, the skimmer method is a part of it. They have trapping devices in there. The skimmer method is the essential part for getting it downstream, the fingerlings downstream past the dam.

Then, they also have these devices for getting the fish going upstream to take them on up, so that they may there spawn above the dam.

The CHAIRMAN. But the Power Commission now, under the broad directive of their original license to the Idaho Power Co. have now suggested that they bring in their plan, and the plan that has been brought in is the so-called skimmer plan.

Mr. GATCHELL. That is the first one I referred to; yes, sir.

Now, the second plan is the upstream migrant facilities at the Oxbow powerhouse and spillway generally as shown on drawings, together with suitable means for transporting upstream migrating fish from the traps of the facility for release above the Brownlee Dam.

The CHAIRMAN. When was that order issued?

Mr. GATCHELL. February 12, 1958. They still have not filled the Brownlee Reservoir and can't do so until a further order of the Commission.

The CHAIRMAN. That was after this bill was introduced?

Mr. GATCHELL. We had been working on that for some time and the only reason we were held up in it was we had not gotten reports from the State agencies and from the Department of Interior.

The CHAIRMAN. Here is the testimony of the Director of Fisheries of Oregon. He says for high dams, and I quote:

* * * where reservoir fluctuations will vary as much as hundreds of feet—which I presume would be these dams—

the fish passage problems have not been solved, and there is grave doubt in the minds of most experts on the subject that they can be successfully solved. At two high dams, devices known as skimmers are now ready for testing.

I presume he is talking about this situation.

Mr. GATCHELL. I presume he is; yes, sir.

The CHAIRMAN (reading):

These are designed to divert the fingerlings into safe passage around the structure on their way to the ocean. Advocates of the high dams are much more optimistic about the success of these yet untested contraptions than are fishery biologists.

What have you to say to that—this is from the Director of the Oregon State Fisheries.

Mr. GATCHELL. I will now read to you from the letter from Mr. George Y. Harry, Jr., acting State fisheries director, dated January 23, 1958, to the Federal Power Commission:

* * * The general plan for collection of downstream migrant fish in the Brownlee forebay as illustrated by drawings CV 83-023, CV 83-024, CV 83-02i and CV 83-022 is approved. However we reserve the privilege to make recommendations concerning details of these plans that have not yet been resolved. Further we wish to inform the Commission that present plans for downstream migrant collection with the floating barrier rests with the outcome of the scale model at Pullman, Wash.

We agreed to the general schemes for both temporary and permanent trapping of upstream migrant fish at Oxbow Dam but we must refrain from complete approval of plans DC 83-011, DC 83-017, DC 83-022, and DC 83-201 for the reason that minor changes have resulted since the receipt of these drawings.

We also approve the Wildhorse River fish trapping facilities as illustrated in plan D-14559, sheets 1 to 3.

The CHAIRMAN. There seems to be a slight difference of opinion between the now director of fisheries and the acting director.

Mr. GATCHELL. Yes, sir. We can only act, though, Mr. Chairman, upon those letters which we get, and when they approve something, we take it that they know what they are doing, because we have worked with them and required the company to spend substantial sums already in these experiments.

The CHAIRMAN. Would you put in the record how much the company has spent up to date on fish handling facilities?

Mr. GATCHELL. I will be glad to. I don't have it handy here.

The CHAIRMAN. Limiting it to fish.

Mr. GATCHELL. Limiting it to strictly fish-handling facilities, but they have also spent something for the wildfowl they must protect along the banks where the nesting places are being disturbed, and we agree with the State people and with the Fish and Wildlife Service that that should be done.

The estimated cost for the Brownlee, Oxbow, and Hells Canyon project of fish facilities, just fish, the estimated cost was 9,550,000, of which 3½ million would be spent for the barrier alone at the Oxbow project, that being the upper project—Brownlee, I beg pardon.

The CHAIRMAN. Oxbow is below?

Mr. GATCHELL. Yes, that is for the barrier at the Brownlee Dam. Now, I think that covers the Hells Canyon.

We have tried to do in that, Mr. Chairman, everything that could be done to protect the fish facilities, the migratory fish in that section, both upstream and downstream, and I suggest to you that the letters which we are giving to the committee demonstrate that at the time the Commission acted, it had the approval of the State agencies, the ones that are as much interested in this as anybody else.

The CHAIRMAN. I can understand the approval of the Idaho State Agency.

Mr. GATCHELL. This is the Oregon State Agency. Also the Department of Interior.

I might say, Mr. Chairman, that the Commission has invariably——

The CHAIRMAN. I do not desire to belabor this, but perhaps you should ask the Commissioner of Fisheries of Oregon about this, as he testified this morning, and there seems to be a difference of opinion.

Mr. GATCHELL. Well, I will be glad to.

The CHAIRMAN. You heard his testimony?

Mr. GATCHELL. I did, I sat here and was amazed to hear it in view of the letter we have.

We also ask these State people, whenever there is a project where a fish problem might be up in the remotest way, we send a letter to those State agencies so that they may comment either to us directly or to the Department of the Interior.

If they want to do it that way, that is all right with us, and if I might, I would like——

The CHAIRMAN. The point I make is I do think the Federal Power Commission, before they approve, as you say, the filling of the reservoir, which is the final thing that must be necessary before the dam starts to operate, that they ask the Commissioner of Oregon Fisheries what he thinks about the fish protection involved.

Mr. GATCHELL. I want to call attention to this.

As I stated when I referred to the Commission's order of February 12 of this year, we require them to get our approval before filing, and we have asked both the State agencies and the Department of Interior Fish and Wildlife Service to let us know further on this matter, and we have been asked by the Department of Interior to delay, if they might delay their report for another additional week.

We still expect to hear further from all of these agencies, and I would think in view of the testimony this morning that they would have to tell us what they have to say at this time.

The CHAIRMAN. I understand there is nothing there yet, there is nothing to tell you about.

Mr. GATCHELL. Oh, yes, they have to tell us——

The CHAIRMAN. Let me ask you this and get it clear: Do you have a man out there on the ground?

Mr. GATCHELL. We don't have enough men to do that. We send a man out periodically to make a regular inspection as we do at all of the projects under construction.

The CHAIRMAN. How periodically?

Mr. GATCHELL. At least once a month.

The CHAIRMAN. And he makes a report?

Mr. GATCHELL. Yes, sir.

The CHAIRMAN. And the rest of the information you get by asking the company questions, and they send you their answers?

Mr. GATCHELL. Well, yes. But we also get reports from the companies—from this company on this project. We get those regularly, too, and we have been right from the very beginning.

The CHAIRMAN. Is the project 80 percent complete?

Mr. GATCHELL. It is expected that they can start filling in the latter part of this spring, or early summer. That is, the dam has reached the stage where they can start filling the reservoir, and it is for that reason that the Commission has in its order the requirements that they may not start filling until the Commission issues a further order, and the Commission now has requests to the State agencies and the Secretary of Interior for further comments and views as to the relationship of reservoir filling, and the construction of the fish facilities.

The CHAIRMAN. The company has issued statement after statement about how far they are along, and, of course, there is an obvious reason for that, because the further they are along the better case they have not to push it back, so I think if you discounted the 80 percent, you might be correct.

Mr. GATCHELL. I think there is a little misapprehension. They don't need to be 100 percent completed to start filling. They can start filling when they get the reservoir in condition so they can pass the water proposal.

The CHAIRMAN. I imagine they would like to start filling before this Congress adjourned, and heave a sigh of relief, probably.

Mr. GATCHELL. We don't represent the Idaho Power Co. We really have stepped on those people, because we want them to do what is right.

Now, if I might also give to the committee the Commission's Opinion No. 307, which was issued on January 20 of this year, that is in project No. 2173, Pacific Northwest Power Co., the Mountain Sheep and Pleasant Valley developments, for which the Commission denied a license.

The CHAIRMAN. Opinion 307 will be placed in the record.
(The document referred to follows:)

UNITED STATES OF AMERICA

FEDERAL POWER COMMISSION

Opinion No. 307

IN THE MATTER OF

PACIFIC NORTHWEST POWER Co.

Project No. 2173

OPINION AND ORDER DENYING APPLICATION FOR LICENSE

Issued January 20, 1958

APPEARANCES

For Pacific Northwest Power Company :

Allen A. Smith.

Hugh Smith.

For National Farmers Union, the Montana Farmers Union, Oregon Farmers Union, and Idaho State Federation of Labor :

Angus McDonald.

For the State of Oregon :

Robert Y. Thorton, attorney general.

Arthur G. Higgs, assistant attorney general.

Norman A. Stoll, special assistant attorney general.

For National Hells Canyon Association and Northwest Public Power Association:

C. Girard Davidson.
Lyle R. Wolff.
Joseph H. Sharlitt.
Mrs. Evelyn H. Cooper.
Lucien Hilmer.

For Idaho Fish and Game Department:

Graydon W. Smith, attorney general.
T. J. Jones, III, assistant attorney general.

For the Staff of the Federal Power Commission:

John C. Mason, deputy general counsel.
Joseph B. Hobbs, attorney.

Before Commissioners: Jerome K. Kuykendall, Chairman; Seaborn L. Digby. Frederick Stueck, William R. Connole and Arthur Kline.

There is before us upon exceptions to the presiding examiner's decision an application for a license filed under section 4 (e) of the Federal Power Act¹ by Pacific Northwest Power Co. of Portland, Oreg., for the construction, operation and maintenance of a hydroelectric project, composed of the Mountain Sheep and Pleasant Valley development, on the Snake River between Idaho and Oregon. The presiding examiner would grant a license to Pacific Northwest. Because, as will appear below, in our judgment the proposed Mountain Sheep-Pleasant Valley project is not "best adapted" to a comprehensive plan for developing the river within the meaning of section 10 (a) of the act, we are unable to grant a license as requested for the construction, operation and maintenance of that project.

The application for license was filed on September 7, 1955. The Commission permitted intervention by the National Hells Canyon Association, Inc., Northwest Public Power Association, Montana Farmers Union, National Farmers Union, Idaho State Federation of Labor, the Oregon Farmers Union, the State of Oregon acting through its Game Commission and Fish Commission, and the State of Idaho through its Fish and Game Commission stating that it was desirable to allow interveners to present facts and law from which the nature and validity of their alleged rights and interests might be determined. Hearings were held in Pendleton, Oreg.; Lewiston, Idaho; and in Washington, D. C., concluding on December 19, 1956. At the hearings Pacific Northwest moved that the various petitions to intervene be dismissed on a number of grounds including lack of interest in the proceeding.

On March 8, 1957, Hells Canyon Association filed a petition to reopen the record and to continue the proceeding in order to incorporate, among other things, the results of a study now under way by the United States Army Corps of Engineers further reviewing plans for development of the Columbia River Basin, including the stretch of the Snake River involved here. This motion was denied by the Commission on March 28, 1957, and the presiding examiner's decision was issued on July 23, 1957.

In his decision the presiding examiner discussed the features of the applicant's proposed project and the benefits expected to flow therefrom and compared the proposed project with the alternative Nez Perce project. Although he concluded that the Nez Perce project would be an excellent development and was superior with respect to flood control, he found that the Mountain Sheep-Pleasant Valley project was best adapted to a comprehensive plan for improving and developing the middle reach of the Snake River. In addition, he concluded that development of this reach of the Snake should not be undertaken by the United States itself. With respect to the interveners he found that the Northwest Public Power Association and the Hells Canyon Association were qualified to participate in the proceeding but that the farm and labor groups were not.

Exceptions were filed to the decision by Pacific Northwest, jointly by Hells Canyon Association and Public Power Association, by the State of Oregon, by the State of Idaho and by the Staff of this Commission. At the time exceptions were filed Hells Canyon Association and Public Power Association, and the State of Oregon by motion, requested delay in our decision pending further study by the Corps of Engineers and the Oregon Water Resources Board.

The applicant, Pacific Northwest, is an Oregon corporation whose 2,000 shares of common stock outstanding are owned equally by The Montana Power Co., Washington Water Power Co., Portland General Electric Co., and Pacific Power

¹ 16 U. S. C. 791a-825r.

& Light Co. The board of directors of Pacific Northwest is made up of 2 officials of each of these 4 companies, which are operating utilities doing an electric-power business in the northwest part of the United States. Portland General Electric serves an area in Oregon, including the cities of Salem and Portland; Montana Power serves an area almost wholly confined to the State of Montana; Washington Water Power serves customers in northern Idaho and the northeastern portion of the State of Washington; Pacific Power & Light serves areas in Oregon, Wyoming, Washington, northern Idaho, and western Montana.

The Snake River is the largest tributary of the Columbia River. The Columbia River Basin is described by the United States Army Corps of Engineers (H. Doc. No. 531, 81st Cong., 2d sess.) as the largest present producer and the largest potential source of hydroelectric power on this continent, as the primary salmon-producing stream in the United States and as carrying active barge navigation over 300 miles inland.

At river mile 324 the Columbia is joined by the Snake which is 1073 miles in length. Arising in Wyoming, the Snake flows west across Idaho to the Oregon border, north along the border through a broad, flat valley and through Hells Canyon in a mountainous area and eventually west to enter the Columbia near Pasco, Wash. Between Hells Canyon and its confluence with the Columbia, the Snake is joined by the Imnaha, Salmon, Grande Ronde, and Clearwater Rivers in that order. The Commission has found that "The Snake River from its junction with the Columbia River up to the mouth of Henry's Fork is a navigable water of the United States." *Idaho Power Company*, 14 F. P. C. -----, Op. No. 283, project No. 1971, August 4, 1955. Henry's Fork is approximately at river mile 868 above the mouth of the Snake River.

The proposed Mountain Sheep dam would be located at river mile 192.8 about 4.5 miles upstream from the confluence of the Salmon with the Snake and 1 mile upstream from the mouth of the Imnaha. It would be a gravity-type concrete dam 255 feet high to develop a head of 163 feet. The development would include a pond with a normal pool elevation at 1113 feet above sea level and with usable pondage of about 46,000 acre-feet utilizing a drawdown of 30 feet, and a powerhouse having an installed generating capacity of 282,000 kilowatts initially and 376,000 kilowatts ultimately.

The proposed Pleasant Valley dam would be constructed about 20 miles upstream from the Mountain Sheep dam and in the upper limits of the Mountain Sheep pool. It would be an arch-type concrete dam 534 feet high and would develop a head of 377 feet. The reservoir with normal pool elevation at 1,490 feet would extend upstream to the low Hells Canyon site (project No. 1971) and would have, with a drawdown of 104 feet, a usable storage capacity of 500,000 acre-feet. The powerhouse would have an installed generating capacity of 720,000 kilowatts initially and 864,000 kilowatts ultimately.

The record shows that the proposed project would be integrated both hydraulically and electrically with the Northwest Power Pool, which is an organization made up of a number of electric power systems (including the four affiliated companies) operating in Utah, Montana, Idaho, Oregon, Washington, and British Columbia. With the initial installation it has been estimated that the average at-site dependable capacity and the average at-site annual usable energy of the project would be 1,002,000 kilowatts and 5.31 billion kilowatt-hours, respectively; and that the average at-market dependable capacity and average at-market annual usable energy would be 923,844 kilowatts and 5.04 billion kilowatt-hours, respectively. The evidence shows that the two dams will be stable and will fully develop the head at their respective sites and that the capacity and energy that could be produced by the proposed project could be utilized in the Pacific Northwest area as soon as it could be made available.

It is clear from the record that the proposed project would have engineering and economic feasibility under conventional financing methods whether actual cost would be approximately equal to the cost as estimated by applicant or by the Commission Staff.

Before a license may be issued under the Federal Power Act the project involved must be such as in the judgment of the Commission will be best adapted to a comprehensive plan of development of the water resources of the region.²

Whenever there is more than one possible project that in combination with others may develop the stretch of the river involved, we are authorized to grant a license only for the one which in our judgment will be "best adapted" to the purposes of section 10 (a). Cf. *National Hells Canyon Association v. F. P. C.*, 237 F. 2d 777, 783, 784, (CADC), certiorari denied 353 U. S. 924. With respect to the comprehensive plan, it must be one that will permit development of all of the beneficial uses of the water resources that are reasonably necessary and desirable. Both of these, of course, involve matters which are not determinable on mathematical computations alone, but require us to consider the potentialities of the particular project on the river with which we are concerned.

There is before us in this proceeding the report prepared by the Corps of Engineers of the United States Army filed with the Congress in 1948, known as House Document 531, 81st Congress, 2d session, setting forth a broad plan for the development of the water resources of the area in the interest of flood control, navigation, power, irrigation and related water uses. This plan, described in the record here as comprehensive in scope but flexible in outline, includes a system of levees and reservoirs to control the floods on the lower Columbia River to 800,000 cubic feet per second (c. f. s.) at The Dalles, which system of levees and reservoirs has been referred to as the main control plan. It involves construction or modification of a number of projects in the Columbia River system with particular attention to flood control. Additional projects were recommended in a more recent report, dated June 1, 1955, which appears as Senate Document No. 51, 84th Congress, 1st session.

Since that time the Corps of Engineers has been asked to review the original report House Document 531, with respect to flood control, navigation, hydroelectric power and all related water uses. A résumé of its preliminary findings to date has been embodied in an information bulletin attached to a notice of public hearing dated September 28, 1957. At the oral argument we were requested to take official notice of this document. As this document is preliminary in nature, and as we already have before us the previous reports supplemented by the testimony of a witness from the Corps of Engineers, we do not believe it in the public interest to take official notice of this preliminary report. However, it would not appear that the report would alter in any material degree our findings or conclusions herein.

In presenting studies of the comparative merits of the proposed Mountain Sheep-Pleasant Valley project the staff of this Commission developed two alternative plans for the middle reach of the Snake River between the Hells Canyon project and the sites on the Lower Snake authorized for Federal development. These plans, designated "plan I" and "plan II," would develop the same available head and would be mutually exclusive.

Plan I would consist of a large project, known as the Nez Perce project, located at river mile 186 about 2.5 miles downstream from the mouth of the Salmon River and a potential High Asotin project located downstream from Nez Perce at river mile 151. Plan II would comprise the proposed Mountain Sheep and Pleasant Valley developments on the Snake; a potential project known as the China Gardens project on the Snake below the mouth of the Salmon at river mile 176; a potential Low Asotin project still farther down on the Snake at river mile 151; and a large potential project on the Salmon River at river mile 3.7 known as the Lower Canyon project.

Either plan would develop the head available between a point (river mile 151) about 10 miles upstream from Lewiston, Idaho, and the Hells Canyon site under license in project No. 1971 (river mile 248), amounting in all to 730 feet. The principal feature of plan I is the Nez Perce dam and reservoir, which, being located immediately below the mouth of the Salmon, would store the waters of both the Salmon and the Snake Rivers. Nez Perce would inundate the sites of the proposed Mountain Sheep and Pleasant Valley developments and like the

² Section 10. All licenses issued under this part shall be on the following conditions: (a) That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of waterpower development, and for other beneficial public uses, including recreational purposes; and if necessary in order to secure such plan the Commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval [41 Stat. 1068; 49 Stat. 842; 16 U. S. C. 803].

reservoir of the latter development in plan II would extend up the Snake to the Hells Canyon site at river mile 248.

The Nez Perce project in plan I would develop a head of 595 feet, create a reservoir operating at maximum normal pool elevation of 1,490 feet and provide usable storage in the amount of 3,900,000 acre-feet. The lower Canyon project in plan II would develop a head on the Salmon River in the amount of 542 feet, create a reservoir operating at maximum normal pool elevation of 1,490 feet and provide usable storage in the amount of 1,560,000 acre-feet. The total storage usable for flood control under plan I would be 3,900,000 acre-feet and under plan II would be 2,060,000 acre-feet.

It is readily apparent from the studies presented in House Document 531, in Senate Document No. 51, and from those prepared by the staff for the Middle Snake Basin that any combination of projects which includes Nez Perce is consistently superior to any combination of projects which does not include Nez Perce. Nez Perce, together with existing storage and that under construction in the Snake Basin above the mouth of the Salmon, would supply all the storage needed to control the flows of the Salmon and the Middle Snake River above the Nez Perce site for the prevention of flood damage downstream on the Columbia, for economic power development and for other beneficial public purposes. The means for passing anadromous fish at the Lower Canyon project in plan II presents the same problem as that at the Nez Perce project in plan I.

Plan I is superior to plan II because the Nez Perce project would provide more storage capacity (almost twice that of plan II) at a site where the storage can be utilized to control the flows of the Imnaha, Salmon and Snake Rivers with one dam rather than at separate dams on the Snake and Salmon Rivers, and because Nez Perce would provide better utilization of that storage resulting in almost twice the flood control benefits and substantially greater power benefits at-site and at downstream projects at a cost which is substantially less than the value of the benefits. It is also noted that from an engineering and economic standpoint, the Corps of Engineers considers that the Nez Perce project is undoubtedly the most attractive development in the Middle Snake Basin (H. Doc. 531, p. 219; S. Doc. 51, p. 113). In addition, it is apparent from the record that the Nez Perce development would be economically feasible for private financing and construction as well as for Federal financing and construction.

Turning now to a discussion of the flood-control problem, we note that in its main control plan (H. Doc. 531) the Corps of Engineers recommends a number of projects on the Columbia River and its tributaries with the object of limiting the flow on the Columbia to 800,000 cubic feet per second at The Dalles where it had risen to 1,240,000 cubic feet per second in 1894 and to 1,010,000 cubic feet per second in 1948 when it caused damage of \$78,800,000 along the lower Columbia River. The report states that to limit the flow to 800,000 cubic feet per second at The Dalles would require only 14,300,000 acre-feet if it could be located at that point, but would require a total of something like 20,000,000 to 21,000,000 acre-feet farther up on the Columbia River or its tributaries at the sites of possible projects. As pointed out below, a part of this required storage will be supplied by construction of reservoirs originally recommended as part of the Main Control Plan and the remainder must be supplied by other combinations of projects. Although the main control plan contemplated usable storage of 2,300,000 acre-feet on the Snake in the Hells Canyon reach and did not recommend the Nez Perce project or any project on the Salmon River, it is clear from the testimony of the witness furnished by the Corps of Engineers that at least the storage capacity at Nez Perce, assumed by the Corp to be 3,650,000 acre-feet, plus 1,000,000 acre-feet at Brownlee, will be needed to control the Snake and Salmon Rivers.

Of the total amount of storage needed under the main control plan only 5,190,000 acre-feet is presently available; this being at the Hungry Horse project on the Flathead River, Grand Coulee project on the Columbia, Palisades project on the upper reaches of the Snake and, in small amount, from the projects on the Payette and Boise Rivers, which are tributaries of the Snake.

There is a present outlook for an additional 4,700,000 acre-feet from projects proposed in the main control plan. Part of this amount will be obtained at Priest Rapids and John Day on the Columbia, and at the Brownlee development in the Hells Canyon reach. The remaining storage capacity is at Grand Coulee,

but may not be utilized for flood control until low-level outlets are installed for that purpose.³

The other remaining storage possibilities recommended in the main control plan in House Document 531 include Glacier View and Libby. However, the potential Glacier View project on the Flathead River is objected to by recreation and wildlife interests because it would flood part of a national park, and the potential Libby project on the Kootenai River has been delayed because it is located partly in Canada. In their June 1955 Report (S. D. No. 51) the Corps of Engineers recommended to Congress that the Bruce Eddy and Penny Cliffs projects on the Clearwater River be authorized as part of the Main Control Plan so as to provide 3,733,000 acre-feet of usable flood control storage.

The Nez Perce project which the record in this proceeding shows would make available 3,900,000 acre-feet of flood storage, would fulfill the additional storage need on the Salmon River and on the Snake River above the site. Its capacity would be at a point where it would be effective and yet located in a remote, undeveloped area where no serious problems would be caused relating to the creation of its reservoir. Furthermore, the dam would be particularly effective because it would control flood waters coming from either the Salmon or the Snake, which might or might not coincide, so that a very efficient use of storage capacity would be achieved. As also pointed out by the report of the District Engineer included in Senate Document No. 51, the Nez Perce project, in conjunction with the Brownlee dam licensed by us, or equivalent upstream storage, would provide complete control of both the Salmon and Snake Rivers for all known floods, and in conjunction with projects studied on the Clearwater River would provide full control of the lower Snake River with corresponding proportional control of Columbia River floods below The Dalles (p. 112). The reason the Corps of Engineers did not recommend the Nez Perce project was because it was deemed a threat to the downward passage of salmon fingerlings from spawning areas on the Salmon and Imnaha Rivers (p. 33), a matter which will be discussed below.

On the other hand, it seems clear to us that the Mountain Sheep-Pleasant Valley project with its storage of 500,000 acre-feet would provide much less than the possible usable storage on the middle reach of the Snake. Furthermore plan II, which includes the Lower Canyon project with its 1,560,000 acre-feet of storage, would likewise not realize the storage possibilities and needs on the river, and would be subject to the same disadvantages with respect to the fish runs as Nez Perce without the advantages of the latter project. Therefore, with respect to flood control, so important to downstream communities and agricultural and industrial development, the Mountain Sheep-Pleasant Valley project and the Lower Canyon project are not nearly as well adapted for the purpose of developing the rivers as the Nez Perce project.

The presiding examiner was of the opinion that any lack of storage because of the Mountain Sheep-Pleasant Valley project could be made up elsewhere on the Snake River and its tributaries above the Nez Perce reservoir. Some of this would be in the Salmon Basin where storage projects would be as great a hindrance to the movement of fish as Nez Perce itself and would have the further disadvantage of flooding fish spawning areas which would not be affected by Nez Perce. Furthermore, all of these Salmon Basin sites have not been shown to be economically feasible, and the more recent report of the Corps of Engineers, Senate Document No. 51, lists only five sites on the Salmon which may warrant consideration for flood control. As for the other undeveloped sites on the Snake, their economical and engineering feasibility has not been shown, and their justification would depend in part on irrigation. In any event, the additional flood control storage needed in the Snake Basin above the mouth of the Clearwater River for control of the lower Columbia can be better provided by the Nez Perce project than by the other possible projects considered by the presiding examiner.

On considering the power benefits, we find that the power output attributable to the Nez Perce project (at-site and downstream) would be over two-thirds more than the power output attributable to the Mountain Sheep-Pleasant Valley

³The Main Control Plan contemplated storage capacity of 2,300,000 acre-feet in the Hells Canyon reach of the Snake River whereas the project authorized by our license will provide 1,000,000 acre-feet of storage capacity. The Priest Rapids project as licensed pursuant to Public Law 544, 83d Congress, 2d session (68 Stat. 573) and the Federal Power Act will provide 500,000 acre-feet rather than 2,100,000 acre-feet as contemplated by the Control Plan. Furthermore, it has been recommended that storage at the proposed federal John Day project be reduced from 1,400,000 acre-feet to 500,000 acre-feet because of objections made to flooding the area required to provide the 1,400,000 acre-feet.

project. With the initial power installation the estimated average dependable capacity of the Mountain Sheep-Pleasant Valley project at-site is 1,002,000 kilowatts and its estimated annual usable energy output at the site is 5.31 billion kilowatt-hours, compared with 1,672,000 kilowatts and 7.82 billion kilowatt-hours initially for a possible Nez Perce project. In addition to the at-site generation Nez Perce, because of its greater water storage capacity, would confer substantially greater benefits with respect to the generation of power at downstream projects than would the Mountain Sheep-Pleasant Valley project. This difference in power output arises in part from the fact that the Nez Perce project would develop a slightly higher head but the difference arises to a greater extent from the larger storage in Nez Perce and its utilization of the flows of the Salmon and Imneha Rivers in addition to the flow of the Snake.

While the output of the Mountain Sheep-Pleasant Valley project could be used immediately by the affiliated companies it does not appear that our failure to grant a license for this project need affect adversely the power situation in the northwest area. The record indicates that there are enough hydroelectric projects under active consideration which when taken with those existing, under construction and scheduled, could make available power to supply electric loads until the applicant or its four affiliates could develop other sources of supply.

The Corps of Engineers' Main Control Plan is also concerned with benefits to navigation. The Control Plan contemplates slack water navigation up to Lewiston, Idaho, and 20 miles farther upstream upon an improvement made in the channel. While the Mountain Sheep-Pleasant Valley developments, themselves, would provide no navigation benefits, both Plan I and Plan II would provide substantially the same navigation benefits by the release of water from the various dams to maintain stream flow.

Applicant's project and Nez Perce as well as other possible projects would provide recreational benefits through the pools created in areas suitable for outdoor activities although these benefits were not evaluated in monetary form in the record.

A matter of considerable controversy in this proceeding has been the relation of a possible Nez Perce project to the fish runs on the Columbia River. This river, as is noted above, is one of the great producers of salmon and steelhead trout which are known as anadromous fish because of their life cycle in which they hatch from eggs in the fresh water of the various rivers, pass downstream as fingerlings to the sea where they attain their growth, and return as adults upstream to fresh water where they lay their eggs and most species die. The anadromous fish of the Snake River include predominantly spring and fall chinook salmon and steelhead trout although a small number of blueback or sockeye are found.

About 25 percent of the entire Columbia River salmon and steelhead production occurs in the Snake River Basin above the Nez Perce site. It has been estimated that the annual value of the fish production above the Nez Perce site is \$5,250,000, of which \$1,050,000 is attributable to the production upstream from the Mountain Sheep dam site. The remainder in the amount of \$4,200,000 is attributable to fish production in the Salmon and Imneha Rivers, but principally the Salmon River. It was also stated in the record that the Salmon River sport fishing in Idaho has an annual value of approximately \$1,500,000. Both of these estimates represent the gross value of fish. The \$5,250,000 estimate represents commercial value of the fish and should be reduced by an amount equal to the cost of taking, processing and marketing the fish. The estimate of the value of sport fishing does not represent net value since the estimate is made up of the total of the gross expenses incurred by sports fishermen in taking the fish and does not necessarily bear any relationship to the market value of the fish. Furthermore, the reservoirs would create sport fishing and other recreational values.

For the upstream passage of fish over high dams there are several methods that may be utilized that are reasonably successful, such as ladders, lifts and locks. Although no method for downstream passage with comparable success has been proven, recently the fishery experts have made great strides in the development of methods and facilities for such passage as a result of studies and research carried out under Federal Power Commission licenses in connection with the Mayfield project on the Cowlitz River (Project No. 2016, 10 F. P. C. 424), the Pelton project on the Deschutes River (Project No. 2030, 10 F. P. C. 445), the Baker project on the Baker River (Project No. 2150, 15 F. P. C. 1946), and the Brownlee development on the Snake River referred to above. Regardless of the method utilized for passage of downstream migrants at high dams, it is apparent

that the need for such facilities would be as great at the Lower Canyon project in Plan II as would be the need for such facilities as Nez Perce in Plan I.

The most promising method is to provide that the intakes to the generating units be located far below the surface of the water so that downstream migrants will not be drawn into the turbines. At the same time one or more devices, known as "skimmers," would be constructed to operate at or near the surface of the pool. This device would draw in water so as to produce a current which would attract the fingerlings. Most of the water would be drained off to be returned to the pool while the fingerlings through flumes or other means would be deposited in the tail race of the dam or otherwise collected for proper disposition in downstream areas. This system has been recently installed at Portland General Electric Co.'s Pelton project on the Deschutes River in Oregon. The Secretary of the Interior recommends the installation of the skimmer device at the Brownlee Dam on the Snake River.

In spite of this promising outlook it is urged that the fish problem at Nez Perce may never be solved successfully. In connection with the Mayfield project we decided that a fair and reasonable balance of interests could be struck, *City of Tacoma*, 10 F. P. C. 424, 431. There was testimony in the present case that the skimmer proposed for Mayfield should function reasonably well for the protection of downstream migrants and installation was justified on the basis of present knowledge and in view of the fact that Mayfield was under construction. The record shows that the biological problem at Nez Perce is generally similar to that at other high dams, but that the engineering problem increases with the drawdown of the reservoirs. We are of the view that this engineering problem is no greater than many others that must be solved in connection with any project of the size of Nez Perce.

The Hells Canyon Association and the Public Power Association have advocated Federal development of the Nez Perce project, while the presiding examiner concluded against the development of the middle reach of the Snake River by the United States itself. The two associations excepted to his conclusion, and the State of Oregon excepted to the reasons given by him in support of his conclusion and requests that the matter be left for determination after additional studies now underway are completed.

There is nothing in this record which convinces us that the Nez Perce project could not be constructed under a license issued pursuant to the provisions of the Federal Power Act. However, since we are not issuing a license for the proposed project and are not requiring the applicant to amend its plans to include the Nez Perce project, we do not reach the issue usually presented by section 7 (b).⁴

Pacific Northwest has excepted to the presiding examiner's denial of its motion to dismiss the interventions of the Hells Canyon Association and the Public Power Association contending that neither of these organizations had standing to intervene. The presiding examiner granted Pacific Northwest's similar motion with respect to the Montana Farmers Union, Oregon Farmers Union, National Farmers Union and Idaho Federation of Labor saying that the interests of these farm and labor organizations were not such as to fall within the scope of Section 308 (a) of the Act and Section 1.8 (b) of our Rules so as to permit them to intervene. By our orders issued March 12, 1956, and June 22, 1956, we permitted all of the above organizations to intervene in this proceeding. The issue before us now is whether upon the record the organizations have shown that they had standing to intervene and a right to be heard. We conclude that each organization has made such a showing and there is no reason to dismiss their interventions granted by our previous orders. Cf. *United States v. F. P. C.*, 345 U. S. 153, 156.

In their exceptions Hells Canyon Association and Public Power Association request that decision be deferred until the completion by the Corps of Engineers of a restudy of the Main Control Plan for the Columbia River and by the Oregon Water Resources Board of a study of the Middle Snake River. The State of Oregon has filed a motion stating there is now pending before its Water Re-

⁴ Sec. 7 (b) of the Federal Power Act provides:

"Whenever, in the judgment of the Commission, the development of any water resources for public purposes should be undertaken by the United States itself, the Commission shall not approve any application for any project affecting such development, but shall cause to be made such examinations, surveys, reports, plans, and estimates of the cost of the proposed development as it may find necessary, and shall submit its findings to Congress with such recommendations as it may find appropriate concerning such development." [41 Stat. 1067, 49 Stat. 842; 16 U. S. C. 800.1]

sources Board, newly formed under a 1955 statute, an application by Pacific Northwest to construct the Mountain Sheep-Pleasant Valley project, that this Board has entered into a study of the Middle Snake, and that the State would like to have opportunity to present to the Commission its affirmative position when formulated, and asking therefore, that final decision be delayed until this may be accomplished. In view of the fact that we are denying the application for the license there is no reason for us to delay our decision.

Furthermore, in view of the denial of the application it will not be necessary to consider other issues raised before the presiding examiner.

The Commission finds

(1) The Mountain Sheep-Pleasant Valley project proposed by Pacific Northwest on the Middle Snake River in Idaho and Oregon would occupy lands of the United States and would be located in and along a section of the Snake River which has been found to be a navigable water of the United States.

(2) The Mountain Sheep-Pleasant Valley project is not best adapted to a comprehensive plan for improving or developing a waterway for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes.

(3) Hells Canyon Association, Public Power Association, Montana Farmers Union, Oregon Farmers Union, National Farmers Union, and Idaho Federation of Labor are persons whose participation in the proceeding is in the public interest.

The Commission orders

(A) The application for a license for the Mountain Sheep-Pleasant Valley project (Project No. 2173) by Pacific Northwest is hereby denied.

(B) The motions filed by Pacific Northwest that the petitions to intervene filed by Hells Canyon Association, Public Power Association, Montana Farmers Union, Oregon Farmers Union, National Farmers Union, and Idaho Federation of Labor be dismissed are hereby denied.

(C) The request by the Hells Canyon Association and the Public Power Association and the motions by the State of Oregon that our decision herein be delayed is hereby denied.

By the Commission. Commissioner Kline dissenting.

JOSEPH H. GUTRIDE, *Secretary*.

The CHAIRMAN. Now, you have some conclusions here about the bill, itself. I presume that you are against it; is that it?

Mr. GATCHELL. Yes, sir, I am afraid the Commission is against it. We are in favor of the bill, S. 2496, to promote the conservation of wildlife, fish and game, and for other purposes, which would amend the act known as the Coordination Act of 1934.

The CHAIRMAN. We will be having, as I say, that in a couple of weeks.

Mr. GATCHELL. We have stated to the committee on S. 3185 the reasons why the Commission believes that bill should not be enacted.

One final thing, Mr. Chairman. If I might put in the Commission's letter which it sends to State agencies, just so that you have that.

(The letter referred to is as follows:)

FEDERAL POWER COMMISSION

Washington, D. C.

GENTLEMEN: There is enclosed a copy of the notice of application in the above-entitled matter.

Pursuant to the Wildlife Resources Act of August 14, 1946 (60 Stat. 1080), you are invited to report your recommendations designed to prevent any possible loss of or damage to wildlife resources which might result from the construction or operation of the project. If no report is received within 90 days from the date of this letter, it will be assumed that you do not desire to sub-

mit such a report. Of course, any protest against the granting of the application or any request for hearing thereon should be filed within the time specified in the enclosed notice.

Very truly yours,

J. H. GUTRIDE, *Secretary.*

Mr. GATCHELL. I might say the Commission doesn't always even issue licenses. The Commission refused to issue a license to the Namakaigon Hydro Co. for a development on the Namakaigon River, in Washington County, Wis., because the Commission found it was not best adapted for beneficial public uses of the Namakaigon River, including the use of the stream for recreational purposes. The Commission's order was affirmed by the Seventh Circuit on October 29, 1954, reported at 216 Federal 2d, 509. I mention that because I assure you that the Commission does give serious consideration to the matter of recreation, and to these things that are of importance in connection with fish and wildlife.

The CHAIRMAN. Well, of course, so many of these projects are smaller projects than the ones we are going to have to deal with, relatively smaller, and the highly controversial fish problem in these cases is not as involved, nor as controversial.

Mr. GATCHELL. But the bill applies to the United States. It doesn't apply to the Columbia River, nor is it limited to the projects on the Columbia River just in the upper section and the middle section. It would apply to all of them, and if the same criteria, as expressed in the bill, were applied to Federal projects, you could not have constructed the Grand Coulee, Bonneville, Chief Joseph, the McNary, the Dalles, any of these projects down in that section.

The CHAIRMAN. Well, you take the position that Mr. Paine took.

Mr. GATCHELL. We had nothing to do with Mr. Paine's position, but I think he has the same views that we have on that score.

The CHAIRMAN. Mr. Paine took the position that all dam projects are detrimental to some degree to fish and wildlife, and therefore if the bill were construed literally, and the Department of Interior did so, that some of these projects would never be built.

Mr. GATCHELL. And some Secretary of the Interior might well take that position.

The CHAIRMAN. I know one that might have taken it.

Mr. GATCHELL. I might say, though, on November 8, 1956, Assistant Secretary of the Interior, Fred G. Aandahl, wrote to the Commission on this Brownlee project and said, and I will quote:

In the opinion of this Department there is sufficient probability of success to warrant the inclusion of the skimmer system as a collection facility for downstream migrants. It is therefore recommended that the Commission prescribe that the licensee construct, operate and maintain the facilities necessary to carry out the skimmer principle for the collection of downstream migrants at the Brownlee Dam.

The CHAIRMAN. Well, I presume Governor Aandahl got his advice from the Fish and Wildlife Service. He doesn't pose as an expert on this matter, as none of us do, but I do pose the question that the skimmer method is still an untried method, and some of the experts in the field are dubious about its value.

Mr. GATCHELL. That is correct.

The CHAIRMAN. In this particular case, you have suggested, or at least agreed to the contention that the Idaho Power Co. on these two

dams could use the skimmer method. I don't know too much about it, between you and me, but all I know is the testimony that has been given us.

Mr. GATCHELL. Yes, sir. I do want to correct one impression that I got from the testimony this morning that the Commission has issued a license for Nez Perce. The Commission has never issued a license for Nez Perce on any dam 700 feet high on the Snake River, or any other river.

The CHAIRMAN. You have invited applications.

Mr. GATCHELL. But the act has been open all along for the filing of applications at Nez Perce or any other place, and if an application was filed for a dam over 500 feet, or any other height, where fish migration was involved, the Commission would have to do exactly as it has done before, go into the matter very thoroughly.

Under the bill there is no review provided for anybody. In the event the Secretary of the Interior might take an arbitrary stand, he can take his stand without anyone knowing the evidence upon which he acts, without anyone having a right to question him, or without anyone having a right to a court review of his action to see if it is supported by substantial evidence.

The CHAIRMAN. Well, I think we pointed that out, that there could be a complete impasse here, as a practical matter, and of course, it works both ways.

Mr. GATCHELL. I don't think there would be an impasse. He has the complete veto power, and if he says "No," then the Commission doesn't proceed further.

The CHAIRMAN. He might not say anything.

Mr. GATCHELL. If he doesn't say——

The CHAIRMAN. Then the Commission couldn't issue a license until he said something.

Mr. GATCHELL. The Commission could not touch it until he gave his approval.

The CHAIRMAN. He might study the matter for years.

Mr. GATCHELL. And then the Commission could just have an application pending.

The CHAIRMAN. And, of course, I think in all fairness Senator Neuberger said he was not wedded to this language, and I think it poses practical problems.

Mr. GATCHELL. I think Senator Neuberger made a fair statement. He is always trying to get help on these things, and he said he would be glad to get suggestions for a change in it.

The CHAIRMAN. I want to ask this question, and I know you can't speak for the Power Commission on it, and I am thinking a little bit out loud on this problem. What would you say, personally, you being their legal adviser down there, if a bill were presented, that in these cases where it was obvious the matter was highly controversial, there were two different sides to the situation, and there wouldn't be any area of agreement, the matter should be referred to Congress?

Mr. GATCHELL. Mr. Chairman, since you mentioned that this morning, I had sort of chewed the matter over a little in my own mind, with my associates here, and of course, I can't speak for the Commission, but I have a practical problem in that connection, one of concern to the Congress as much as anybody else.

Your responsibility could very readily be discharged by requiring the submission of a controversy of that kind to the Congress, and if action is not taken within 1 year permitting the Commission to go ahead and issue a license. That affords you a full session, in any event, within which Congress could hear the matter.

The CHAIRMAN. We often do that. We say that in a matter, if Congress doesn't act on a certain matter, then they could go ahead, so if we feel deeply enough about it, one way or another, or both ways, we should go ahead and do something about it.

Mr. GATCHELL. If it is a bad enough proposition, somebody is going to be up here demanding that Congress take action, and of course, that is the kind of thing where you ought to have the opportunity, and this would afford it to you, but at the same time it wouldn't leave it open, as this bill would, for indefinite postponement, but would put a limit on it.

The CHAIRMAN. I don't think either Congress, the Commission or a Secretary of the Interior should just keep these things hanging forever.

Mr. GATCHELL. It isn't in the public interest either way. I certainly thank you.

The CHAIRMAN. Does anyone else want to testify on these bills? (No response.)

The CHAIRMAN. We will keep the record open for a few days for some of the fellows who want to say more on the duck stamp.

(Whereupon, at 4:15 p. m., the subcommittee adjourned.)

Government reports on S. 3185 are as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D. C., February 10, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.*

DEAR MR. CHAIRMAN: Your letter dated January 30, 1958, acknowledged January 31, 1958, enclosed a copy of S. 3185, 85th Congress, for our comments.

S. 3185 would limit the licensing authority of the Federal Power Commission contained in section 4 of the Federal Power Act (16 U. S. C. 797 (e)), by requiring plan approval of projects by the Secretary of the Interior as not being detrimental to the conservation of migratory fish and game.

Our office has no information as to the advisability of or the necessity for the proposed change in the Federal Power Act; and, therefore, we make no recommendation for or against the enactment of S. 3185.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., March 6, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: Your committee has requested a report on S. 3185, a bill to promote the conservation of migratory fish and game by requiring certain approval by the Secretary of the Interior of licenses issued under the Federal Power Act.

The Federal Power Commission is an independent agency. To the broad powers of the Commission, the Congress has imposed few conditions necessitating the approval of executive departments. These provisions are as follows:

Section 4 (e) of the act dealing with licenses affecting the capacity of navigable waters and licenses affecting reserved lands; section 10 (e) relative to the charges for the use of facilities of Federal reclamation projects; and section 18 relating to the installation of navigable aids and fishways. Congress has also provided in section 10 (e) for the approval by the Indian tribe affected of charges for the use of tribal lands of organized Indian tribes.

The bill provides, in effect, that this Department may exercise a veto power in behalf of fish and wildlife matters in connection with the issuance of a license by the Commission. It, therefore, adds a major category of cases in which approval of an executive department is needed before the Federal Power Commission may act. Since the issue is one of imposing such a limitation, this Department is of the opinion that S. 3185 raises an issue which Congress itself should decide.

While this Department stands ready to utilize any lawful authority granted to it by Congress there appears to be a real question as to whether in this controversial area the Federal Power Commission should be subservient to an executive department. We have in the past made recommendations to the Federal Power Commission not only to prevent detrimental effects upon migratory fish or other wildlife resources, but also to suggest methods and means through which these vital resources could be enhanced. The amendments to the Coordination Act of 1946 which we intend to submit to your committee in the near future will reflect this broader scope of review.

In the event the Congress is disposed to enact legislation along the lines of S. 3185, we suggest the following revision:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (e) of section 4 of the Federal Power Act is amended by inserting before the period at the end thereof a colon and the following: 'And provided further, That no license affecting fish or wildlife resources shall be issued until the plans of the dam or other structures affecting such fish and wildlife resources have been approved by the Secretary of the Interior.'"

We suggest this approach because the standard of not being "detrimental" which would be imposed by S. 3185 would preclude any evaluation of the relative values involved.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your Committee.

Sincerely yours,

HATFIELD CHILSON,
Under Secretary of the Interior.

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D. C., February 3, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.*

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (S. 3185) to promote the conservation of migratory fish and game by requiring certain approval by the Secretary of the Interior of licenses issued under the Federal Power Act.

The bill has been examined, but since the subject matter thereof is not related to any of the activities of the Department of Justice, we would prefer not to offer any comment concerning it.

Sincerely yours,

LAWRENCE E. WALSH,
Deputy Attorney General.

STATEMENT OF C. R. GUTERMUTH OF WILDLIFE MANAGEMENT INSTITUTE,
WASHINGTON, D. C.

(Identical statement filed by C. R. Gutermuth, Secretary, North American Wildlife Foundation, Wire Building, Washington 5, D. C.)

Mr. Chairman, I am C. R. Gutermuth, vice president of the Wildlife Management Institute, a private conservation organization that has been working for improved management of natural resources in the public interest since 1911.

We urge the prompt enactment of S. 3185 by the Congress as a possible solution to one of the Nation's most serious problems.

The erection of dams across streams used by anadromous fishes during part of their life cycle always has been exceedingly troublesome both in the effort to maintain adequate populations of the species affected and in the assessment of fishery resources involved in relation to other attendant economic considerations.

Attempts generally have been made to alleviate the damage to fishery populations either by the construction of fish ladders or by providing hatchery facilities capable of offsetting the reductions in natural reproduction. Fish passage facilities in a structure are meaningless, of course, unless the fish are able to pass the dam in both upstream and downstream migrations. The adult fish must get to their spawning beds. The young, and in some species, the adults, must be able to pass the structure in order to complete the marine stages of their life cycle.

Fishery biologists long have been active in seeking means to assure adequate passage of anadromous fishes at dams. Much research has been undertaken in the Pacific Northwest where a sizable part of the Columbia River drainage already has undergone extensive development. The traditional salmon spawning areas of the Columbia River system have been reduced substantially. To preserve the spawning habitat of the remaining salmon and steelhead runs will not be simple. It is clear, however, that the fishery resources must be husbanded carefully if they are to continue to meet the demands of extremely valuable commercial and sport fisheries. Depending upon the decisions that are made in the Columbia River drainage are a large, replenishable store of nutritious food, the livelihood of a commercial fishing industry, and the recreational welfare of many sportsmen.

Despite statements that have appeared at times, fishery biologists have not developed techniques for the successful passage of spawn-laden salmon and steelheads or their downstream, sea-bound offspring, past dams that rise more than 100 feet above the watercourse. Efforts to do so on an economic and practical basis have been unsuccessful.

The passage of fish over dams less than 100 feet in height is by no means an assured success. The comments in the joint letter of the Oregon State Game Commission and the Fish Commission of Oregon on the Middle Snake River Report of the Corps of Engineers and the Bureau of Reclamation, Senate Document No. 51, 84th Congress, 1st session, point out many shortcomings in the effort to get anadromous fish past dams of less than 100 feet high.

It is disconcerting, then, for those interested in anadromous fishes from both the commercial and sport aspects, to read statements issued by authoritative sources that the problem of fish passage at high dams is near solution. A legal brief of the Federal Power Commission staff relating to the Nez Perce, Mountain Sheep, and Pleasant Valley Dam sites stated "* * * recent accomplishments of both the biological and engineering experts in solving the problem of passing downstream migrants justifies confidence in their ability to solve reasonably soon a satisfactory means of passing downstream migrants at high dams such as Nez Perce."

That optimism is not supported by fact. The salmon resources within the United States are at an ebb point now and optimism should not be permitted to overshadow biological fact. The recent comment of the FPC and its decisions on other structures on streams of the Northwest show the need for more competent biological counsel. The conservationists seem to be in full support of S. 3185. It is believed that the Department of the Interior should be permitted to pass on all projects that involve migratory fish and game. The Nation deserves to receive every possible benefit from any structures that are proposed for construction.

LEGISLATIVE HISTORY

Public Law 85-582
S. 2447

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Index and Summary of S. 2447

- Jan. 3, 1957 Rep. Metcalf introduced H. R. 783 which was referred to House Merchant Marine and Fisheries Committee. Print of bill as introduced.
- July 2, 1957 Senator Magnusson introduced S. 2447 which was referred to Senate Interstate and Foreign Commerce Committee. Print of bill as introduced.
- May 14, 1958 Senate Committee ordered S. 2447 reported with amendments.
- May 19, 1958 Senate committee reported S. 2447 with amendments. Print of bill and Senate Report No. 1592.
- May 21, 1958 Senate passed over S. 2447 at the request of Senator Hruska.
- May 26, 1958 Senate made S. 2447 pending business.
- May 29, 1958 Senate passed S. 2447 as reported.
- June 2, 1958 S. 2447 was referred to House Merchant Marine and Fisheries Committee. Print of bill as referred.
- June 26, 1958 House subcommittee ordered S. 2447 reported to full committee with amendment.
- July 9, 1958 House committee/^{ordered}reported S. 2447 with amendment.
- July 16, 1958 House committee reported S. 2447 with amendment. Print of bill and House Report No. 2181.
- July 21, 1958 House passed S. 2447 as reported.
- July 23, 1958 Senate concurred in House amendment.
- Aug. 1, 1958 Approved: Public Law 85-582.

Senate Interstate and Foreign Commerce Committee held hearings March 6, 1958.

DIGEST OF PUBLIC LAW 85-582

EFFECTS OF PESTICIDES ON FISH AND WILDLIFE. Authorizes the Secretary of Interior to undertake comprehensive studies on the effects of insecticides, herbicides, fungicides and pesticides, upon fish and wildlife to determine the amounts, percentages, and formulations of such chemicals that are lethal to or injurious to fish and wildlife, and the amounts, percentages, mixtures, or formulations that can be used safely, and thereby prevent losses of fish and wildlife from such spraying, dusting, or other treatment. Authorizes an annual appropriation of \$280,000 to carry out such studies.

H. R. 783

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1957

Mr. METCALF introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following spraying, and to provide basic data on the various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of the Interior is authorized and directed
4 to undertake comprehensive continuing studies on the effects
5 of insecticides, herbicides, and fungicides upon the fish and
6 wildlife resources of the United States, for the purpose of
7 determining the amounts and percentages of such chemicals
8 that are lethal to or injurious to fish and wildlife and the
9 amounts or percentages or mixtures which can be used safely,

1 and thereby prevent losses of fish and wildlife from such
2 spraying.

3 SEC. 2. The sum of \$280,000 per annum is hereby au-
4 thorized to be appropriated to carry out the objectives of this
5 Act.

85TH CONGRESS
1ST SESSION

H. R. 783

A BILL

To authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following spraying, and to provide basic data on the various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife.

By Mr. METCALF

JANUARY 3, 1957

Referred to the Committee on Merchant Marine and
Fisheries

85TH CONGRESS
1ST SESSION

S. 2447

IN THE SENATE OF THE UNITED STATES

JULY 2, 1957

Mr. MAGNUSON (by request) introduced the following bill; which was read twice
and referred to the Committee on Interstate and Foreign Commerce

A BILL

To authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following spraying and to provide basic data on the various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Secretary of the Interior is authorized and directed
- 4 to undertake comprehensive continuing studies on the effects
- 5 of insecticides, herbicides, and fungicides upon the fish and
- 6 wildlife resources of the United States, for the purpose of

1 determining the amounts and percentages of such chemicals
2 that are lethal to or injurious to fish and wildlife and the
3 amounts or percentages or mixtures which can be used safely,
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By Mr. MAGNUSON

JULY 2, 1957

Read twice and referred to the Committee on
Interstate and Foreign Commerce

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 15, 1958
For actions of May 14, 1958
85th-2d, No. 76

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HIGHLIGHTS: House passed mutual security authorization bill. Senate committee ordered reported bill to amend Federal Seed Act. Senate made Packers and Stockyards bill unfinished business.

SENATE

1. THE AGRICULTURE AND FORESTRY COMMITTEE ordered reported the following bills:
S. 1939, without amendment, to amend the Federal Seed Act; S. 3076, without amendment, to authorize the transportation in the U. S. of live foot-and-mouth disease virus for research purposes; S. 3478, without amendment, to insure the maintenance of an adequate supply of anti-hog-cholera serum and hog-cholera virus; H. R. 6765, without amendment, to repeal the prohibition against cotton acreage reports based on farmers' planting intentions; H. R. 8490, with amendment, to make two technical adjustments in the law relating to rice acreage allotments, to provide for reassignment of such allotments when the land on which the allotment has previously been made is taken for public purposes, and to increase marketing quota penalties; and a clean bill in lieu of S. 672 and S. 2490, providing for the control of noxious weeds on Federal lands. pp. D413-14
2. WATERSHEDS. The Agriculture and Forestry Committee approved the following watershed projects: Ellison Creek, Miss., Little Pudding River, Oreg., Little Tallapoosa River, Ga., Mud Creek, N. C., Prairie Creek, Inc., and Swan-Buffero Creek, N. C. p. D414

Senate - May 14, 1958

3. NOMINATIONS. The Agriculture and Forestry Committee reported the nominations of Marvin J. Briggs, of Ind., and Frank Stubbs, of Tex., to be members of the Federal Farm Credit Board. p. 7748
4. TEXTILES; WILDLIFE. The Interstate and Foreign Commerce Committee ordered reported with amendments H. R. 469, to ~~provide protection of the public against misbranding and false advertising of the fiber content of textile fiber products~~, and S. 2447, to authorize studies of the effects of insecticides upon fish and wildlife. p. D414
5. CCC. Received from the Comptroller General an audit report on the Commodity Credit Corporation for fiscal 1957. p. 7733
6. EDUCATION. Both Houses received from HEW a proposed bill to "facilitate administration of the act authorizing cooperative research in education"; to H. Education and Labor and S. Labor and Public Welfare Committees. pp. 7733, 7853
7. TAXES. The Judiciary Committee reported with amendment S. 586, to extend the time for filing of claims under sec. 6420 of the Internal Revenue Code of 1954 for refund of taxes on gasoline used on farms between Jan. 1, 1956 and June 30, 1956 (S. Rept. 1577). p. 7737
8. STATEHOOD. Sen. Yarborough inserted a newspaper editorial urging statehood for Alaska, "The Case for Alaska: Reasons for Granting Statehood Summarized." p. 7743
9. FOREIGN TRADE. Sens. Wiley and Smathers spoke in favor of an expanded trade program between the U. S. and Latin America. pp. 7747, 7775-80
10. HUMANE SLAUGHTER. Sen. Neuberger inserted a release urging the use of humane methods in the slaughter of animals, "Protestants, Catholics Ask More Humane Animal Slaughtering." pp. 7765-66
11. POSTAL RATES. Sen. Johnston announced that "conferees on the postal rate and pay bill (H. R. 5836) have today completed their work, and we hope to have the report drafted and submitted to the Senate Monday." p. 7780
12. MEATPACKERS. S. 1356, to transfer certain functions under the Packers and Stockyards Act from ~~this~~ Department to the Federal Trade Commission, was made the unfinished business. p. 7795

HOUSE

13. FOREIGN AID. Passed, 259 to 134, with amendments, H. R. 12181, to extend the mutual security program. pp. 7796-7842
Agreed to an amendment by Rep. Feighan to provide that no assistance under the act shall be furnished to Yugoslavia unless the President reports his reasons therefor to Congress. pp. 7796-97
Rejected, 34 to 58, an amendment by Rep. Bentley which he stated would have provided "that the dollars loaned to a foreign government or to individuals under the revisions of title II, the Development Loan Fund, would have to be spent inside the United States, unless the delivered price of these commodities for the purchase of which the loan funds would be used exceeds 15 percent of a delivered price from foreign sources, unless these commodities are not available." pp. 7804-05

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 20, 1958
For actions of May 19, 1958
85th-2d, No. 78

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HIGHLIGHTS: Senate committee reported bill to amend Federal Seed Act. House committee reported Commerce appropriation bill. Rep. Dixon urged transfer of certain functions under Packers and Stockyards Act.

HOUSE

1. FORESTRY. Passed as reported H. R. 6198, to authorize the Secretary of the Interior, with the approval of the Secretary of Agriculture, to exclude not more than 10 acres of land from the Sequoia National Park to become a part of the Sequoia National Game Refuge within the Sequoia National Forest. p. 8053
2. LIVESTOCK DISEASES. Passed without amendment H. R. 12126, to extend to wild animals the same prohibition against entry into the U. S. as domestic animals from any country where rinderpest or foot-and-mouth disease exists. pp. 8051-52
3. COPYRIGHTS. Passed as reported H. R. 8419, to provide a legal remedy for owners of copyrights against infringements by the Government. pp. 8048-49
4. APPROPRIATIONS. The Appropriations Committee reported without amendment H. R. 12540, the Commerce and related agencies appropriation bill for 1959 (H. Rept. 1725). p. 8101
Conferees were appointed on H. R. 10746, the Interior and related agencies appropriation bill for 1959, including the Forest Service. Senate conferees were appointed Apr. 30. p. 8042

Senate - May 19, 1958

The "Daily Digest" states that "conferees continued, in executive session, to resolve the differences between the Senate- and House-passed versions of H. R. 11767, fiscal 1959 appropriations for the Department of Agriculture and Farm Credit Administration, but did not conclude their work and recessed subject to call of the chair." p. D434

5. WHEAT. The "Daily Digest" states as follows: "Committee on Agriculture: Subcommittee on Wheat met in executive session and recommended to the full committee that provisions of H. R. 12112 (amended) be made into a committee print for inclusion in an omnibus farm bill." The bill provides for the establishment of a domestic parity plan for wheat. p. D433
6. MEATPACKERS. Rep. Dixon spoke in favor of the transfer of certain functions under the Packers and Stockyards Act to the Federal Trade Commission, and stated that he intended to offer the language of S. 1356, as passed by the Senate, for H. R. 9020 when this legislation is considered by the House. p. 8062
7. TVA. Rep. Evins, and others, spoke in commemoration of the 25th anniversary of the TVA, and praised the work of the agency. pp. 8070-78
8. FEDERAL-STATE RELATIONSHIPS. Rep. Cramer discussed Federal-State relationships, and stated that "we ... must make an about face and return federally usurped authorities and responsibilities to the States." pp. 8078-85

SENATE

9. THE AGRICULTURE AND FORESTRY COMMITTEE reported the following bills:
 S. 1939, without amendment, to amend the Federal Seed Act (S. Rept. 1590);
 H. R. 6765, without amendment, to repeal the prohibition against cotton acreage reports based on farmers' planting intentions (S. Rept. 1591);
 S. 3076, without amendment, to authorize the transportation in the U. S. of live foot-and-mouth disease virus for research purposes (S. Rept. 1589).
 p. 7977
10. WEED CONTROL. The Agriculture and Forestry Committee reported an original bill S. 3861, providing for the control of noxious weeds on Federal lands (in lieu of S. 672 and S. 2490) (S. Rept. 1588). p. 7979
11. SALINE WATER. The Interior and Insular Affairs Committee reported with amendment S. J. Res. 135, to authorize the Interior Department to construct and operate a salt-water conversion demonstration plant (S. Rept. 1593). Sens. Anderson and Wiley commented on the bill. pp. 7977-9
12. WILDLIFE; INSECTICIDES. The Interstate and Foreign Commerce Committee reported with amendments S. 2447, to authorize studies of the effects of insecticides upon fish and wildlife (S. Rept. 1592). p. 7977
13. RECLAMATION. Passed without amendment H. R. 6940, to reimburse owners of lands acquired under the Federal reclamation laws for their moving expenses. This bill will now be sent to the President. pp. 8020-8038
14. MINING. Passed as reported S. 3199, to provide that the period for doing annual assessment work on unpatented mineral claims would be from Aug. 15 to Aug. 15, commencing in 1959. pp. 8038-9

RESEARCH ON THE EFFECTS OF INSECTICIDES ON FISH AND WILDLIFE

MAY 19, 1958.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Interstate and Foreign
Commerce, submitted the following

R E P O R T

[To accompany S. 2447]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 2447) to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following spraying, and to provide basic data on the various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

PURPOSE OF THE BILL

S. 2447, as amended and approved by unanimous vote of your committee, would authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides, and pesticides upon fish and wild life for the purpose of preventing losses of those invaluable natural resources following application of these materials, and to provide basic data on various chemical controls. This research and study will, it is anticipated, determine the amounts and percentages of such formulations and chemicals that may be used on wet lands, rangelands, and other lands with a minimum loss of fish and wildlife.

COMMITTEE ACTION

Public hearings were held by our committee on this legislation, and everyone desiring to testify was given an opportunity to be heard. Appearing and speaking in favor of this legislation were the following:

Hon. Lee Metcalf, United States Representative from the First District of Montana; Lansing A. Parker, Assistant Director for Wildlife, Bureau of Sports Fisheries and Wildlife, Department of the Interior; James D. Dewitt, Chief Chemist, Bureau of Sports Fisheries and Wildlife, Department of the Interior; John H. Baker, president, National Audubon Society; Charles E. Jackson, general manager, National Fisheries Institute; H. S. Mosebrook, forester of the American Pulpwood Association; Charles H. Callison, conservation director, National Wildlife Federation; and Kenneth Pomeroy, representing the American Forestry Association. This bill is endorsed by farm groups, timber and logging industries, commercial fisheries, sportsmen, Federal and State officials.

NEED FOR THIS LEGISLATION

The current situation is, in a large part, due to the phenomenal growth in the use of new pesticidal compounds developed since World War II. The usefulness of these chemicals in combating ravages of insect pests is evidenced by reports that over 750 million pounds of pesticides having a value of over \$256 million are produced in the United States each year. About two-thirds of this production is for domestic use on some 65 million acres of the Nation's land and water.

It is reported that there are over 6,000 aircraft, flying 541,000 hours, used to distribute or spray around 100 million gallons of liquid formulations, a major share of which are insecticidal.

The effects of these sprays, or dustings, has not only killed insects, but also destroyed wild and domestic animals and birds. A Florida operation to control sandflies resulted in the death of an estimated 1 million fish of 30 different species. A spray used to destroy tree-girdling mice has killed other mammals and birds. In March of 1958, approximately 3,000 geese died from eating treated grain used in Klamath Basin, Oreg., mouse-control campaign. Water runoff from some sprays on lands has killed fish. There is grave concern as to whether chemicals used to kill fire ants will even destroy earthworms, a major source of food for woodcock wintering in those areas. In Washington State, there has been damage to upland birds. In Montana, on the Yellowstone River, there was extensive damage to fish following application of DDT as part of the spruce budworm control program. A census of fish in seven Montana trout streams showed a loss of from 70 to 80 percent as a result of this spray.

This all points up to a pressing and urgent need for research studies to provide basic information which can be used as a guide to the future development and application of such formulations.

At the present time, the effects of many formulations are not fully known or understood.

Your committee believes this Congress should set in motion a research program in this all-important field.

This legislation carries no appropriation with it.

AGENCY COMMENTS

Department of the Interior

The Department of the Interior favors enactment of this legislation, with certain amendments. All amendments suggested by the Interior Department have been incorporated into the bill, and are shown below.

Section 2 of the bill should be eliminated. This section would limit annual appropriations to the sum of \$280,000.

The Department of Interior states:

In our opinion, an adequate research program for the study of wildlife pesticide relationships probably would exceed this amount for certain years, and we believe that an arbitrary ceiling on appropriations for a program of this type would not be advisable.

In addition, the Department suggested the following perfecting amendments:

(1) Page 1, revise line 5 to read "of insecticides, herbicides, fungicides, and pesticides upon the fish and".

(2) Page 2, revise line 1 to read "determining the amounts, percentages, and formulations of such chemicals".

(3) Page 2, revise line 3 to read "amounts, percentages, mixtures, or formulations that can be used safely,".

(4) Page 2, revise line 5 to read "spraying, dusting, or other treatments."

(5) Amend the title of the bill to read:

To authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials, and to provide basic data on the various chemical controls so that forests, croplands, wet lands, rangelands, and other lands can be sprayed, dusted, or otherwise treated with minimum losses of fish and wildlife.

The report from the United States Department of the Interior on S. 2447 is appended hereto.

Comptroller General of the United States

The Comptroller General of the United States, in his letter dated July 19, 1957, stated:

We have no information relative to the necessity for, or advisability of, the additional legislation proposed by S. 2447 and we, therefore, make no recommendation with respect to its enactment.

Department of Justice

The United States Department of Justice, in their letter dated July 10, 1957, stated:

The bill has been examined, but, since the subject matter thereof is not related to any of the activities of the Department of Justice, we would prefer not to offer any comment concerning it.

Department of Health, Education, and Welfare

The Department of Health, Education, and Welfare did not reply to the committee's request for comments on this bill.

Agriculture Department

The Agriculture Department did not reply to the committee's request for comments on this legislation.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, July 12, 1957.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: Your committee has requested a report on S. 2447, to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following spraying, and to provide basic data on the various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife.

We are agreeable to the enactment of this proposed legislation, although we believe the Fish and Wildlife Act of 1956 (70 Stat. 1119) and our general authority in this field provide sufficient authority to carry out the program contemplated by this bill. Enactment of specific legislation on this subject would, of course, express the interest of the Congress in this particular program that we consider to be vital to conservation of the Nation's fish and wildlife resources. Our budget estimates for fiscal year 1958 contain an item for pesticide studies on wildlife.

Sportsmen, conservationists, foresters, and farmers alike are concerned over the tremendous increases in pesticide applications to eliminate insects, weeds, diseases, and other pests. Each year more acreage is being treated with better and more efficient pesticides. Particularly impressive are the large numbers of extensive forest DDT spraying programs now being conducted yearly. Over 3.4 million acres of forests were sprayed last year, and more will be sprayed this year. Last year 65 million acres—more than one-sixth of the United States cropland—were treated with pesticides, the total amount of formulated pesticides being 3 billion pounds. The cost of applying these pesticides amounted to \$256 million. Yet crop losses on untreated areas were estimated at \$7.5 billion.

The importance of our forests and agricultural crops is unquestioned. Both are vitally needed. Likewise, insect and other pesticide-control operations are necessary. However, pesticide-control programs have gone ahead without adequate information on the effects which the pesticides have on fish and wildlife resources. A multi-billion-dollar recreation and commercial fishery industry of interest to more than 30 million Americans is involved.

The seriousness of the effects of insecticides on wildlife is emphasized by extensive spraying for the control of Dutch elm disease, which is now taking place. DDT is being used at as much as 10 times the concentration that can be tolerated by wildlife, and the resultant death of thousands of birds has aroused citizens in many parts of the country. Another current problem is the invasion of alfalfa fields by the yellow aphid. Required insecticidal treatments could have an appallingly serious effect on bird populations, as the yellow aphid has spread over millions of acres in the last 3 or 4 years.

In 1954, the CAA estimated that 31 million acres of land were sprayed by 6,000 airplanes during 541,000 hours of flying. In the Mirimichi River drainage of New Brunswick, Canada, following the

airplane spraying of a DDT-oil solution to control a forest pest, the spruce budworm, serious losses of salmonid fish occurred. Heavy depletions in fish populations also occurred in the Yellowstone River drainage of Montana and Wyoming in 1955, following similar control operations for the spruce budworm. In the 100-mile section of the river affected, the value of the fishery has been estimated at \$20,000 per mile annually, giving the fish an annual value (in terms of expenditures by fishermen) of \$2 million. These instances of fish losses emphasize the need for more knowledge upon which to predict the effects of DDT applications. When a DDT spray operation is contemplated, the sponsors of the project should be able to obtain advice from Federal and State conservation officials on physiological problems, methods of application, formulations, and the timing of applications to minimize fish and wildlife losses.

In view of our responsibilities under treaty obligations with Canada and Mexico for the protection and management of migrating birds, including waterfowl, and for the protection and management of fish in Federal waters, funds are necessary to support research to determine the effects of insecticides on fish and wildlife. Sufficient basic research has not been accomplished to predict losses or to properly advise operating agencies on means of obtaining effective control and, at the same time, avoiding unnecessary fish and wildlife mortality.

Combined laboratory and field investigations in cooperation with other governmental agencies, such as the United States Forest Service, are necessary to obtain the needed facts. Among the pesticide-wildlife relationships that should be studied are the following:

- (1) Tests of toxicity of new insecticides for birds, mammals, and fish.

- (2) Development of diagnostic tests to permit determinations as to whether or not animals were killed by specific insecticides or other pesticides.

- (3) Studies of application of insecticides in forest pest control, such as bark and spruce budworm.

- (4) Studies of the effects on fish and wildlife of controlling the white-fringed beetle, Japanese beetle, grasshoppers, Mormon crickets, corn borer, and a host of other farm pests in all regions.

- (5) Marsh studies on mosquito production and control in relationship to waterfowl habitat preservation. These studies would involve development of alternate methods of controlling mosquitoes, as well as testing new insecticides as to their effects on waterfowl and other desirable forms of marsh wildlife.

If favorable action is taken on this bill, we recommend that section 2 be eliminated therefrom. This section would limit annual appropriations for these purposes to the sum of \$280,000. In our opinion, an adequate research program for the study of wildlife-pesticide relationships probably would exceed this amount for certain years, and we believe that an arbitrary ceiling on appropriations for a program of this type would not be advisable. In addition, we suggest the following perfecting amendments:

- (1) Page 1, revise line 5 to read: "of insecticides, herbicides, fungicides, and pesticides upon the fish and".

- (2) Page 2, revise line 1 to read: "determining the amounts, percentages, and formulations of such chemicals".

(3) Page 2, revise line 3 to read: "amounts, percentages, mixtures, or formulations that can be used safely,".

(4) Page 2, revise line 5 to read: "spraying, dusting, or other treatments.".

(5) Amend the title of bill to read: "To authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials, and to provide basic data on the various chemical controls so that forests, croplands, wet lands, rangelands, and other lands can be sprayed, dusted, or otherwise treated with minimum losses of fish and wildlife."

The Bureau of the Budget has advised us that there would be no objection to the submission of this report to your committee.

Sincerely yours,

HATFIELD CHILSON,
Under Secretary of the Interior.

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Calendar No. 1622

85TH CONGRESS
2D SESSION

S. 2447

[Report No. 1592]

IN THE SENATE OF THE UNITED STATES

JULY 2, 1957

Mr. MAGNUSON (by request) introduced the following bill; which was read twice and referred to the Committee on Interstate and Foreign Commerce

MAY 19, 1958

Reported by Mr. MAGNUSON, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following spraying and to provide basic data on the various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of the Interior is authorized and directed
4 to undertake comprehensive continuing studies on the effects
5 of insecticides, herbicides, ~~and fungicides~~ *fungicides and*
6 *pesticides*, upon the fish and wildlife resources of the United

1 States, for the purpose of determining the amounts and
2 percentages of such chemicals that are lethal to or injurious
3 to fish and wildlife and the amounts or percentages or mix-
4 tures which can be used safely, and thereby prevent losses
5 of fish and wildlife from such spraying *determining the*
6 *amounts, percentages, and formulations of such chemicals*
7 *that are lethal to or injurious to fish and wildlife and the*
8 *amounts, percentages, mixtures, or formulations that can be*
9 *used safely, and thereby prevent losses of fish and wildlife*
10 *from such spraying, dusting, or other treatment.*

11 SEC. 2. The sum of \$280,000 per annum is hereby au-
12 thorized to be appropriated to carry out the objectives of
13 this Act.

Amend the title so as to read: "A bill to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides and other pesticides, upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials and to provide basic data on the various chemical controls so that forests, croplands, wetlands, rangelands and other lands can be sprayed with minimum losses of fish and wildlife."

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A BILL

To authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following spraying and to provide basic data on the various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife.

By Mr. MAGNUSON

JULY 2, 1957

Read twice and referred to the Committee on
Interstate and Foreign Commerce

MAY 19, 1958

Reported with amendments

May 21, 1958

16. COTTON. Passed without amendment H. R. 6765, to repeal the prohibition against cotton acreage reports based on farmers' planting intentions. This bill will now be sent to the President. pp. 8216, 1233
17. RESEARCH; WILDLIFE. At the request of Sen. Hruska, passed over S. 2447, to authorize studies of the effects of insecticides upon fish and wildlife. p. 8212
18. SALINE WATER. At the request of Sen. Talmadge passed over S. J. Res. 135, to authorize the Interior Department to construct and operate a salt-water conversion demonstration plant. p. 8212
19. FARM PROGRAM. The Agriculture and Forestry Committee ordered reported the following bills:
 - An original bill authorizing transfer of cotton acreage allotments from lands which cannot be planted to other lands in 1958;
 - S. 1436, with amendment, to amend various provisions of law regarding ASC committees;
 - H. R. 376, to prohibit trading in onion futures on commodity exchanges;
 - H. R. 7953, to facilitate and simplify the work of the Forest Service;
 - H. R. 5497, to authorize Federal assistance for certain fish and wildlife development projects under the Watershed Protection and Flood Prevention Act; and
 - H. R. 11399, to authorize the Secretary to set the level of price support for extra-long-staple cotton at between 60 to 75 percent of parity. p. D344
20. IMPORTS. The Finance Committee reported with amendments H. R. 6006, to provide for greater certainty, speed, and efficiency in the enforcement of the Anti-dumping Act (S. Rept. 1619). p. 8170
21. INFORMATION. The Judiciary Committee reported without amendment S. 921, to prevent the use of 5 U. S. C. 22 to withhold information. p. 8170
22. RECLAMATION. Passed as reported S. 2215, to authorize the Interior Department to construct, operate, and maintain the Spokane Valley Project. p. 8200
23. FLOOD CONTROL. Sen. Kuchel urged the Senate to act on the flood control authorization bill vetoed by the President, and inserted various communications on the need for such projects in Calif. pp. 8242-6
24. POSTAL RATES AND PAY. Agreed to and sent to the House the conference report on H. R. 5836, the postal rate and pay increase bill, by a vote of 88 to 0. pp. 8227-33
25. STATEHOOD. Sen. Church urged Alaskan statehood, and inserted a letter he wrote to the President to urge his support for the bill. p. 8251
26. FOREIGN AID. The Foreign Relations Committee began consideration of the proposed Mutual Security Act of 1928, and adopted a policy statement that it was the sense of Congress that India be given support in its economic development program. pp. D445-6
27. FOREIGN TRADE. Sen. Morse inserted a summary of Ore. opinion ballots on certain public questions, including support for world trade policies in line with Administration-backed proposals. pp. 8191-4

28. EXPORT CONTROL. Received from the Commerce Department a report on export control for the first quarter of 1958. p. 8169
29. ARBOR DAY. Sen. Javits inserted a resolution of the Greene County, N. Y., Board of Supervisors, urging establishment of a National Arbor Day. p. 8169

ITEMS IN APPENDIX

30. RESEARCH. Sen. Knowland inserted his address before the American Feed Growers Ass'n discussing "pertinent" farm facts and suggesting certain action toward an improved farm program. pp. A4649-51
31. PRICES. Sen. Javits inserted excerpts from Ewan Clague's, Dept. of Labor, speech, "The Consumer Price Index in the Current Price Situation." pp. A4660-
32. AREA DEVELOPMENT. Extension of remarks of Sen. Thurmond expressing his opposition to the proposed area redevelopment bill. p. A4663
33. TRANSPORTATION. Sen. Wiley inserted a letter from the General Steamship Agencies pointing out the "tremendously impressive savings which have been already realized, thanks to the movement of surplus farm products via the direct, all-water route from the Midwest through the present St. Lawrence seaway." pp. A4669-70
34. FOREIGN AID. Extension of remarks of Sen. Dworshak inserting an editorial urging reappraisal of the foreign aid program. pp. A4675-6
Rep. Chipperfield inserted an editorial and a report by Rep. Bass favoring the foreign aid program. pp. A4691-2, A4707
35. ELECTRIFICATION. Sen. Sparkman inserted an editorial, "TVA's Challenge--After 25 Years." pp. A4679-80
36. LIVESTOCK. Rep. Polk inserted an editorial, "Meat Promotion Up Again," emphasizing the need of "being sure any meat promotion moves are right before they are made." pp. A4685-6
37. STATEHOOD. Rep. Poage inserted a letter he had written pointing out "what seems to be : : an obvious weakness in the pending statehood bill." pp. A4687-88
38. TOBACCO. Rep. Lankford inserted two articles discussing the growth and marketing of tobacco in Md. pp. A4694-95
39. FARM PROGRAM. Extension of remarks of Rep. Schwengel discussing farm policies, in which he states that "it is becoming increasingly clear that political management of agriculture does not work very well," and inserting a magazine article discussing farm conditions. pp. A4706-07
40. FARM DRAINAGE; WILDLIFE. Extension of remarks of Rep. Reuss urging the enactment of legislation to restrict farm draining projects harmful to wildlife, stating that "there is not the slightest doubt that the Department of Agriculture's farm drainage program, as administered under existing law, has in many cases worked directly counter to the best interests of wildlife, water, and even soil conservation," and inserting an article and letter discussing the matter. pp. A4717-18

act. The Secretary may impose such terms and conditions upon granting any such application as he finds necessary to effectuate the purposes of this act. Serum used in computing the required reserve supply of any manufacturer shall not again be used in computing the required reserve supply of any other manufacturer."

CONTROL OF NOXIOUS PLANTS ON LAND

The Senate proceeded to consider bill (S. 3861) to provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government.

Mr. ELLENDER. Mr. President, this bill provides for the application of State weed-control plans to Federal lands. It authorizes the State commissioner of agriculture to destroy noxious plants on Federal lands if the agency having jurisdiction of the lands consents thereto, and has not already complied with the requirements of the program. The States would be reimbursed for expenses incurred by them to the extent that Congress sees fit to appropriate funds for that purpose.

Federal agencies already have authority to cooperate with States in weed-control programs and are doing so to a limited extent. The bill would not require agencies to cooperate in any particular programs, but would encourage greater cooperative efforts with the States. State weed-control agencies are very interested in this bill since failure to control weeds on Federal lands may mean that State funds used in weed control would be largely wasted.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 3861) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Commissioner of Agriculture or other proper agency of any State in which there is in effect a program for the control of noxious plants may enter upon any land in such State under the control or jurisdiction of a department, agency, or independent establishment of the executive branch of the Federal Government, with the permission of and in accordance with the program acceptable to the head of such department, agency, or independent establishment, and destroy by appropriate methods noxious plants growing on such land if—

(1) the same procedure required by the State program with respect to privately owned land has been followed; and

(2) the department, agency, or independent establishment involved has failed to comply with the requirements of such program.

SEC. 2. To the extent that funds appropriated to carry out the purposes of this act are available therefor, any State incurring expenses pursuant to the first section of this act shall be reimbursed, upon presentation of an itemized account of such expenses, by the head of the department, agency, or independent establishment of the executive branch of the Federal Government having control or jurisdiction of the land with respect to which such expenses were incurred.

SEC. 3. There is hereby authorized to be appropriated to departments, agencies, or independent establishments of the executive branch of the Federal Government such sums as the Congress may determine to be necessary to carry out the purposes of this act.

RESEARCH RELATING TO FOOT-AND-MOUTH DISEASE

The Senate proceeded to consider the bill (S. 3076) to amend section 12 of the act of May 29, 1884, relating to research on foot-and-mouth disease.

Mr. ELLENDER. Mr. President, this bill was requested by the Department of Agriculture, and its purpose is to eliminate unnecessary Government expense. It would permit transportation of foot-and-mouth disease virus to and from the Plum Island laboratory across the mainland under adequate safeguards. At present the virus must often be transported by a circuitous route and removed from the boat before docking in New York Harbor. These precautions are expensive and unnecessary.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 3076) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 12 of the act of May 29, 1884, as amended (62 Stat. 198, as amended; 21 U. S. C. 113a), is hereby further amended by inserting after the word "tunnel" in the proviso in the first sentence of the section the following clause: ", and except that the Secretary of Agriculture may transport said virus in the original package across the mainland under adequate safeguards."

AMENDMENT OF FEDERAL SEED ACT OF AUGUST 9, 1939

The bill (S. 1939) to amend the Federal Seed Act of August 9, 1939, as amended, was announced as next in order.

Mr. HRUSKA. Mr. President, may we have an explanation of the bill?

Mr. CLARK. Mr. President, the bill makes a number of changes in the Federal Seed Act which have been found necessary and have been recommended by the Department of Agriculture. Labeling requirements somewhat similar to those imposed on domestic seed would be imposed on imported seed. Exceptions for particular kinds of seed would be eliminated. The industry would be relieved of unnecessary burdens. The bill is designed to result in generally improved administration and effectiveness of the act.

I believe the principal purpose of the bill is to bring the importations of seed under the same general restrictions as those which apply to the labeling of domestic seed. The bill was requested by the Department of Agriculture.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection the bill (S. 1939) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 101 (a) (7) (A) of the Federal Seed Act of August 9, 1939 (53 Stat. 1275), as amended (7 U. S. C. 1561 (a) (7) (A)) is amended by deleting from the list of agricultural seeds the phrase "Beta vulgaris L.—Field beet, excluding sugar beet," and substituting therefor the phrase "Beta vulgaris L.—Field beet."

SEC. 2. Section 101 (a) of said act (7 U. S. C. 1561 (a)) is further amended by adding at

the end thereof a new paragraph (24) to read as follows:

"(24) The term 'treated' means given an application of a substance or subjected to a process designed to reduce, control, or repel disease organisms, insects, or other pests which attack seeds or seedlings growing therefrom."

SEC. 3. Section 101 (a) of said act (7 U. S. C. 1561 (a)) is further amended by adding at the end thereof, after new paragraph (24), a new paragraph (25) to read as follows:

"(25) The term 'seed certifying agency' means (A) an agency authorized under the laws of a State, Territory, or possession, to officially certify seed, or (B) an agency of a foreign country determined by the Secretary of Agriculture to adhere to procedure and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A)."

SEC. 4. Title I of said act (7 U. S. C. 1561) is amended by adding at the end thereof a new section 102 to read as follows:

"SEC. 102. Any labeling, advertisement, or other representation subject to this act which represents that any seed is certified or registered seed shall be deemed to be false in this respect unless (a) it has been determined by a seed certifying agency that such seed was produced, processed, and packaged, and conformed to standards of purity as to kind or variety, in compliance with the rules and regulations of such agency pertaining to such seed; and (b) the seed bears an official label issued for such seed by a seed certifying agency stating that the seed is certified or registered."

SEC. 5. Section 201 (a) (8) of said act (7 U. S. C. 1571 (a) (8)) is amended to read as follows:

"(8) For each agricultural seed, in excess of 5 percent of the whole, stated in accordance with paragraph (a) (1) of this section, and each kind or variety or type of agricultural seed shown in the labeling to be present in a proportion of 5 percent or less of the whole, (A) percentage of germination, exclusive of hard seed, (B) percentage of hard seed, if present, and (C) the calendar month and year the test was completed to determine such percentages."

SEC. 6. Section 201 (b) (1) of said act (7 U. S. C. 1571 (b) (1)) is amended to read as follows:

"(1) Name of each kind and variety of seed and if two or more kinds or varieties are present, the percentage of each."

SEC. 7. That part of section 201 (b) (2) of said act (7 U. S. C. 1571 (b) (2)) which precedes clause (i) is amended to read as follows:

"(2) For each variety of vegetable seed which germinates less than the standard last established by the Secretary of Agriculture, as provided under section 403 (c) of this act—"

SEC. 8. Section 201 of said act (7 U. S. C. 1571) is further amended by adding at the end thereof a new subsection (i) to read as follows:

"(1) Any agricultural seeds or any mixture thereof or any vegetable seeds or any mixture thereof, for seeding purposes, that have been treated, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this act:

"(1) A word or statement indicating that the seeds have been treated;

"(2) The commonly accepted coined, chemical (generic), or abbreviated chemical name of any substance used in such treatment;

"(3) If the substance used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate caution statement approved by the Secretary of Agriculture as adequate for the protection of the public, such as 'Do not use for food or feed or oil purposes': *Provided*, That the cau-

tion statement for mercurials and similarly toxic substances, as defined in said rules and regulations, shall be a representation of a skull and crossbones and a statement such as 'This seed has been treated with poison,' in red letters on a background of distinctly contrasting color; and

"(4) A description of any process used in such treatment, approved by the Secretary of Agriculture as adequate for the protection of the public."

SEC. 9. Section 202 of said act (7 U. S. C. 1572) is amended to read as follows:

"Sec. 202. All persons transporting, or delivering for transportation, in interstate commerce, agricultural seeds shall keep for a period of 3 years a complete record of origin, germination, and purity of each lot of such agricultural seeds, and all persons transporting, or delivering for transportation, in interstate commerce, vegetable seeds shall keep for a period of 3 years a complete record of germination and variety of such vegetable seeds. The Secretary of Agriculture, or his duly authorized agents, shall have the right to inspect such records for the purpose of the effective administration of this act."

SEC. 10. (a) That part of section 203 (b) of said act (7 U. S. C. 1573 (b)) which precedes clause (1) is amended to read as follows:

"(b) The provisions of section 201 (a), (b), or (1) shall not apply—"

(b) Clause (2) of such section 203 (b) is amended to read as follows:

"(2) to seed intended for seeding purposes when transported or offered for transportation in interstate commerce—"

"(A) if in bulk, in which case, however, the invoice or other records accompanying and pertaining to such seed shall bear the various statements required for the respective seeds under sections 201 (a), (b), and (1); or

"(B) if in containers and in quantities of 20,000 pounds or more: *Provided*, That (i) the omission from each container of the information required under sections 201 (a), (b), and (1) is with the knowledge and consent of the consignee prior to the transportation or delivery for transportation of such seed in interstate commerce, (ii) each container shall have stenciled upon it or bear a label containing a lot designation, and (iii) the invoice or other records accompanying and pertaining to such seed shall bear the various statements required for the respective seeds under section 201 (a), (b), and (1); or

"(C) if consigned to a seed cleaning or processing establishment, to be cleaned or processed for seeding purposes: *Provided*, That (i) this fact is so stated in the invoice or other records accompanying and pertaining to such seed if the seed is in bulk or if the seed is in containers and in quantities of 20,000 pounds or more, (ii) this fact is so stated on attached labels if the seed is in containers and in quantities less than 20,000 pounds, and (iii) any such seed later to be labeled as to origin and/or variety shall be labeled as to origin and/or variety in accordance with rules and regulations prescribed under section 402 of this act."

SEC. 11. Section 204 of said act (7 U. S. C. 1574) is amended to read:

"Sec. 204. The use of a disclaimer, limited warranty, or nonwarranty clause in any invoice, advertising, labeling, or written, printed, or graphic matter, pertaining to any seed shall not constitute a defense, or be used as a defense in any way, in any prosecution or other proceeding brought under the provisions of this act, or the rules and regulations made and promulgated thereunder. Nothing in this section is intended to preclude the use of a disclaimer, limited warranty, or nonwarranty clause as a defense in any proceeding not brought under this act."

SEC. 12. Section 301 (a) of said act (7 U. S. C. 1581 (a)) is amended by adding at the end thereof a new paragraph (4) to read as follows:

"(4) any seed containing 10 percent or more of any vegetable seeds unless the invoice pertaining to such seed and any other labeling of such seed bear the name of each kind and variety of vegetable seed present."

SEC. 13. Section 302 (a) of said act (7 U. S. C. 1582 (a)) is amended by inserting the word "owner or" before the word "consignee" wherever the latter appears except in the two provisos therein; and by deleting said provisos and substituting therefor, respectively, the following: "*Provided*, That the Secretary of the Treasury may authorize the delivery of seed or screenings which are being imported or offered for import to the owner or consignee thereof, pending decision as to the admission of such seed or screenings and for staining, cleaning, labeling, or other reconditioning if required to bring such seed or screenings into compliance with the provisions of this act, upon the execution by such owner or consignee of a good and sufficient bond conditioned upon redelivery of the seed or screenings upon demand unless redelivery is waived because the seed is reconditioned to bring it into compliance with this act or is destroyed under Government supervision under this act, and providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury: *And provided further*, That all expenses incurred by the United States (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the supervision of staining, cleaning, labeling, other reconditioning, or destruction, of seed or screenings under this title shall be reimbursed to the United States by the owner or consignee of the seed or screenings, and such reimbursements shall be recredited to the appropriation from which the expenses were paid, the amount of such expenses to be determined in accordance with joint regulations under section 402 of this act, and all expenses in connection with the storage, cartage, and labor on the seed or screenings which are refused admission or delivery, shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against future importations made by such owner or consignee."

SEC. 14. Section 302 of said act (7 U. S. C. 1582) is further amended by adding at the end thereof a new subsection (d) to read as follows:

"(d) The provisions of this title prohibiting the importation of seed that is adulterated or unfit for seeding purposes shall not apply—"

"(1) when seed grown in the United States is returned from a foreign country without having been admitted into the commerce of any foreign country: *Provided*, That there is satisfactory proof as provided for in the joint rules and regulations prescribed under section 402 of this act, that the seed was grown in the United States and was not admitted into the commerce of a foreign country and was not commingled with other seed, or

"(2) when seed is imported for sowing for experimental or breeding purposes and not for sale: *Provided*, That declarations are filed, and importations are limited in quantity, as provided for in the rules and regulations prescribed under section 402 of this act, to assure that the importations are for experimental or breeding purposes."

SEC. 15. Section 306 of said act (7 U. S. C. 1586) is amended by adding at the end thereof a new subsection (c) to read as follows:

"(c) To make any false or misleading representation with respect to any seed subject to this title being imported into the United States or offered for import: *Provided*, That this subsection shall not be deemed violated by any person if the false or misleading representation is the name of a variety indistinguishable in appearance from the seed being imported or offered for import and the records and other pertinent facts reveal that such person relied in good faith upon representations with respect to the name of the indistinguishable variety made by the shipper of the seed."

SEC. 16. This act and the amendments made hereby, shall take effect upon the date of enactment.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (H. R. 6765) to provide for reports on the acreage planted to cotton, to repeal the prohibition against cotton acreage reports based on farmers' planting intentions, and for other purposes, was announced as next in order.

Mr. TALMADGE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2447) to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following spraying and to provide basic data on the various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife, was announced as next in order.

Mr. HRUSKA. Over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 135) providing for the construction of a demonstration plant for the production from seawater of water suitable for beneficial consumptive uses, was announced as next in order.

Mr. TALMADGE. Over, as not proper calendar business.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2629) for the relief of John J. Spriggs was announced as next in order.

Mr. HRUSKA. Over.

The PRESIDING OFFICER. The bill will be passed over.

NATIONAL SAFE BOATING WEEK

The joint resolution (H. J. Res. 378) to authorize the President to proclaim annually the week which includes July 4 as "National Safe Boating Week," was considered, ordered to a third reading, read the third time, and passed.

The preamble as amended was agreed to, as follows:

To authorize the President to proclaim annually the week which includes July 4 as "National Safe Boating Week."

Whereas our people in increasing numbers are taking part in boating activities on the waters of our Nation, with more than 20 million expected to participate during 1958; and

Whereas safety is essential for the full enjoyment of boating; and

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May 26, 1958

12. HOUSING. The Housing Subcommittee ordered reported to the Banking and Currency Committee a clean bill embodying Housing Act amendments of 1958. p. D464
13. TRANSPORTATION. The Interstate and Foreign Commerce Committee ordered reported with amendments S. 3778, proposed Transportation Act of 1958. p. D464
14. LANDS. Received from GSA a proposed bill to repeal the act requiring grantors to furnish to the Government all requisite abstracts, official certifications, and evidences of title; to Public Works Committee. p. 8418
15. FARM PROGRAM. Sen. Talmadge inserted a speech by John A. Sibley, a Ga. banker, on "Future Trends in Agriculture and Forestry in the South." pp. 8435-8
16. RESEARCH. Sen. Wiley stated that electronic computers were creating a new revolution and urged their increased use in research. He inserted an article, "Electronic Brain Speeds Cow Testing," on the dairy herd improvement program in Wisc., and another on the use of computers in testing antibiotics. pp. 8452-4
- RECLAMATION. Received from the Interior Department a report on certain conditions precedent to constructing the Santa Margarita project, Calif.; to the Interior and Insular Affairs Committee. p. 8418
18. FLOOD CONTROL. Received a petition from the mayor of West Covina, Calif., urging enactment of flood control legislation for work on the Walnut Creek system in Calif. p. 8419
19. LEGISLATIVE PROGRAM. S. 2447, to authorize research on the effect of insecticides on fish and wildlife was made the Senate's pending business. p. 8458

ITEMS IN APPENDIX

20. SMALL BUSINESS. Extension of remarks of Sen. Neuberger inserting a statement describing the importance of research and development as an aid to small business firms. pp. A4803-4
21. FARM PROGRAM. Sen. Talmadge inserted an editorial favoring his proposed five-point farm program. p. A4805
Extension of remarks of Sen. Neuberger inserting an editorial, "Spreading Farm Dollar," and stating that the editorial emphasizes a most illuminating study of farm purchasing power. pp. A4812-3
Rep. Davis inserted an article, "Farming Today For Tomorrow," describing the value of soil conservation programs.
Extension of remarks of Rep. Christopher criticizing the administration's farm program, stating that "the under-payment to American farmers for their services in producing more than 60 percent of all the new wealth generated in this country each year is the primary cause of the present recession," and inserting an article, "The President Speaks--Deals Farmers A Low Blow." pp. A4843-4
22. MARKETING. Rep. McCormack inserted an article describing the development and future opportunities in food marketing. pp. A4810-1
23. ELECTRIFICATION. Sen. Kefauver inserted various resolutions commending the TVA program. pp. A4813-4
Sen. Hoblitzell inserted an article, "TVA After 25 Years." pp. A4816-7

24. IRRIGATION. Rep. Horan inserted a story outlining the inaugural period as the Brewster unit of the Chief Joseph reclamation projects comes under water. pp. A4821-2

Rep. Davis, Ga., inserted a statement of the chairman of Nation-Wide Committee of Industry, Agriculture and Labor on Import-Export Policy discussing the recent testimony of Secretary Dulles in support of extending the Reciprocal Trade Act. pp. A4852-54

26. TRANSPORTATION. Rep. Flood inserted an address by the president of the Delaware, Lackawanna & Western Railroad Co., discussing conditions in the transportation industry, and favoring the establishment of a Department of Transportation in the Federal Government. pp. A4836-38

27. WATER RESOURCES. Rep. Ullman inserted a letter by the chairman of the Idaho-Oregon-Washington Hells Canyon Assoc. favoring construction of the Hells Canyon dam. p. A4855

28. CORN. Rep. Knutson inserted a letter and resolution from the Minn. Federation of Women's Clubs favoring the adoption of the corn tassel as our national flower. pp. A4855-56

BILLS INTRODUCED

29. MINERALS. S. 3891, by Sen. Murray, to strengthen the acreage limitation requirements of section 27 of the Mineral Leasing Act of 1920; to Interior and Insular Affairs Committee.

S. 3892, by Sen. Murray (by request), to stabilize production of copper, lead, zinc, acid-grade fluorspar and tungsten from domestic mines by providing for stabilization payments to producers of ores or concentrates of these commodities; to Interior and Insular Affairs Committee. Remarks of author. pp. 8400-2

30. LANDS. S. 3895, by Sen. Watkins, to authorize the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all right, title, and interest of the U. S. in certain lands located in Salt Lake County, Utah; to Interior and Insular Affairs Committee. Remarks of author. p. 8422

31. TRADE AGREEMENTS. H. R. 12676, by Rep. Simpson, Pa., H. R. 12680, by Rep. Dorn, S. C., H. R. 12683, by Rep. Bailey, H. R. 12686, by Rep. Davis, Ga., and H. R. 12688, by Rep. Moore, to extend for 2 years the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended; to Ways and Means Committee.

32. TRANSPORTATION. H. R. 12677, by Rep. Boyle, and H. R. 12681, by Rep. Gray, to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system; to Interstate and Foreign Commerce Committee.

33. HOLIDAY. H. R. 12684, by Rep. Byrne, Ill., declaring October 12 to be a legal holiday; to Judiciary Committee.

PRINTED HEARINGS RECEIVED IN THIS OFFICE

34. FEDERAL-STATE RELATIONS. Federal-State-local relations, State and local officials (Part 1--Boston, Mass., and New York, N. Y.) H. Government Operations.

35. TRAVEL; PERSONNEL. H. R. 11133 and S. 1903, to amend the Administrative Expenses Act, as amended, to provide for the payment of travel and transportation

Unemployment trust fund withdrawals by States by months during third quarter 1958

States	January 1958				February 1958				March 1958			
	Balances Dec. 31, 1957	Deposits	Withdrawals	Balances Jan. 31, 1958	Deposits	Withdrawals	Balances Feb. 28, 1958	Deposits	Earnings -	Withdrawals	Balances Mar. 31, 1958	
Alabama	\$88,846,161.19	\$668,461.27	\$2,500,000	\$87,014,622.46	\$1,857,377.54	\$3,000,000	\$85,872,000.00	\$120,000.00	\$567,975.94	\$4,000,000.00	\$82,559,975.94	
Alaska	1,420,584.50	170,844.56	1,375,000	216,429.06	3,074,848.56	1,000,000	2,291,277.62	72,263.65		1,275,000.00	1,088,541.27	
Arizona	58,695,366.35	212,000.00	1,000,000	57,907,366.35	1,088,000.00	1,000,000	58,375,366.35	50,000.00	383,066.32	1,200,000.00	57,551,432.67	
Arkansas	44,464,982.40	515,017.60	1,050,000	43,980,000.00	1,050,000.00	1,600,000	43,180,000.00	60,000.00	285,095.77	1,400,000.00	42,115,975.77	
California	994,003,640.84	3,517,958.56	36,000,000	961,521,599.40	18,637,964.29	20,000,000	951,159,563.69	415,875.60	6,234,882.86	41,000,000.00	916,870,272.15	
Colorado	76,824,539.25	253,000.00	1,300,000	75,757,593.25	652,000.00	1,775,000	74,634,539.25	359,000.00	939,327.00	1,825,000.00	73,663,866.25	
Connecticut	247,163,498.85	563,000.00	6,000,000	241,756,498.85	2,556,000.00	8,000,000	236,312,498.85	52,000.00	1,569,878.81	9,000,000.00	228,934,377.72	
Delaware	14,894,598.46	4,000.00	675,000	14,223,598.46	405,000.00	762,000	13,866,598.46	7,000.00	91,948.29	1,080,000.00	12,885,596.75	
District of Columbia	58,633,240.83	79,000.00	640,000	58,072,240.83	660,000.00	670,000	58,062,240.83	73,000.00	382,710.57	725,000.00	57,792,960.40	
Florida	93,070,989.38	322,000.00	1,300,000	92,092,989.38	1,830,000.00	1,720,000	92,062,989.38	353,000.00	606,923.12	2,300,000.00	90,862,912.50	
Georgia	151,617,656.28	1,130,000.00	3,550,000	149,197,656.28	2,850,000.00	2,950,000	149,097,656.28	50,000.00	980,571.98	3,800,000.00	146,328,228.26	
Hawaii	23,155,195.32	108,887.19	300,000	22,964,082.81	338,123.33	225,000	23,077,204.84	17,550.20	151,417.19	550,000.00	22,690,173.23	
Idaho	36,218,935.29	300,000.00	1,800,000	34,748,935.29	322,000.00	1,600,000	33,470,935.29	18,000.00	225,133.54	1,200,000.00	32,514,068.83	
Illinois	498,119,172.54	1,207,000.00	16,600,000	487,726,172.54	9,570,000.00	17,500,000	474,796,172.54	315,000.00	3,140,724.77	23,900,000.00	451,351,897.31	
Indiana	213,632,060.84	1,797,000.00	7,500,000	207,929,060.84	2,616,000.00	7,950,000	202,595,060.84	298,000.00	1,346,442.96	10,500,000.00	193,707,503.80	
Iowa	113,869,389.07	305,610.93	1,500,000	112,675,000.00	725,000.00	2,100,000	111,300,000.00	375,000.00	737,161.91	2,000,000.00	110,412,161.91	
Kansas	85,756,563.47	645,000.00	1,475,000	84,926,563.47	955,000.00	2,125,000	83,756,563.47	50,000.00	553,580.61	2,800,000.00	81,550,144.08	
Kentucky	121,553,551.34	900,000.00	4,000,000	118,453,551.34	3,100,000.00	4,500,000	117,053,551.34	150,000.00	774,199.70	5,300,000.00	112,677,751.04	
Louisiana	152,639,140.79	625,000.00	1,600,000	151,684,140.79	3,280,000.00	1,400,000	153,564,140.79	81,000.00	1,003,234.49	2,800,000.00	151,848,365.28	
Maine	45,666,058.95	374,200.00	1,800,000	44,240,258.95	891,500.00	1,700,000	43,431,758.95	11,700.00	288,207.74	2,400,000.00	41,331,666.89	
Maryland	116,071,009.07	710,000.00	6,900,000	110,781,009.07	1,750,000.00	5,425,000	107,106,009.07	205,000.00	717,597.19	6,350,000.00	101,678,006.26	
Massachusetts	316,783,594.05	2,075,000.00	15,000,000	303,558,594.05	7,060,000.00	12,000,000	298,918,594.05	195,000.00	1,954,680.89	15,000,000.00	285,098,274.94	
Michigan	295,582,282.85	4,296,673.56	27,450,000	272,428,956.41	7,098,528.58	26,550,000	252,977,454.99	279,874.65	1,723,152.61	33,300,000.00	221,635,512.25	
Minnesota	113,068,413.31	810,000.00	4,800,000	109,018,413.31	3,180,000.00	5,650,000	106,548,413.31	7,790,000.00	703,316.31	7,790,000.00	101,197,729.62	
Mississippi	34,549,913.87	540,000.00	1,550,000	33,539,913.87	1,200,000.00	1,450,000	33,349,913.87	45,000.00	219,251.44	1,975,000.00	31,639,165.31	
Missouri	225,945,333.72	2,945,000.00	4,000,000	224,462,333.72	1,325,000.00	6,400,000	219,387,333.72	55,000.00	1,458,927.05	5,200,000.00	215,691,260.77	
Montana	43,366,272.34	153,455.00	1,700,000	41,810,727.34	444,300.00	2,000,000	40,204,027.34	11,000.00	270,223.48	2,070,105.43	38,475,749.39	
Nebraska	39,644,875.14	220,000.00	950,000	38,914,875.14	855,000.00	1,400,000	38,669,875.14	20,000.00	254,193.34	1,500,000.00	37,444,068.48	
Nevada	19,320,072.92	282,500.00	850,000	18,752,572.92	455,000.00	1,250,000	17,957,572.92	15,000.00	20,797.58	1,050,000.00	17,043,370.50	
New Hampshire	24,870,002.06	255,000.00	1,150,000	23,975,002.06	708,000.00	1,750,000	23,931,002.06	21,000.00	157,733.05	1,100,000.00	22,943,735.11	
New Jersey	439,412,109.37	2,135,000.00	19,500,000	422,047,109.37	9,200,000.00	17,600,000	413,647,109.37	820,000.00	2,745,638.81	18,500,000.00	397,712,779.13	
New Mexico	40,566,242.95	305,000.00	480,000	40,391,242.95	568,000.00	385,000	40,366,242.95	50,000.00	263,339.36	720,000.00	39,951,602.31	
New York	353,298,541.07	5,649,634.09	42,800,000	316,148,175.16	31,018,014.15	37,900,000	309,206,189.31	716,386.76	8,648,336.63	45,000,000.00	1,273,030,912.75	
North Carolina	181,207,304.33	1,325,000.00	5,000,000	177,532,304.33	4,475,000.90	4,000,000	178,007,304.33	115,000.00	1,170,932.53	5,000,000.00	174,293,236.86	
North Dakota	10,116,901.51	183,098.49	650,000	9,650,000.00	295,000.00	800,000	9,145,000.00	20,000.00	61,825.22	800,000.00	8,426,825.22	
Ohio	618,187,654.62	650,000.00	18,000,000	600,837,654.62	4,600,000.00	22,500,000	582,937,654.62	1,725,000.00	3,888,307.06	30,000,000.00	558,550,961.68	
Oklahoma	53,351,885.01	635,000.00	1,575,000	52,411,885.01	1,100,000.00	1,700,000	51,811,885.01	30,000.00	341,817.54	2,775,000.00	49,408,702.55	
Oregon	40,778,799.25	1,061,200.75	6,300,000	35,540,000.00	1,494,000.00	5,800,000	31,234,000.00	65,000.00	263,651.55	6,800,000.00	24,717,651.55	
Pennsylvania	343,771,338.42	1,780,000.00	34,200,000	311,351,338.42	13,190,000.00	30,100,000	294,441,338.42	1,720,000.00	1,990,477.39	38,800,000.00	259,351,815.81	
Rhode Island	30,908,982.89	981,000.00	2,850,000	29,039,982.89	2,223,000.00	2,375,000	28,857,982.89	52,000.00	189,227.73	3,375,000.00	25,754,210.62	
South Carolina	74,452,822.67	305,000.00	1,200,000	73,557,822.67	1,875,000.00	1,600,000	73,832,822.67	60,000.00	485,721.29	1,600,000.00	72,778,543.96	
South Dakota	14,143,534.59	191,000.00	330,000	14,004,534.59	146,000.00	420,000	13,730,534.59	10,000.00	91,213.26	350,000.00	13,481,747.85	
Tennessee	90,876,785.71	1,200,000.00	4,000,000	88,076,785.71	3,493,000.00	4,874,000	86,700,785.71	107,000.00	571,124.54	6,920,000.00	80,458,910.25	
Texas	304,102,445.02	1,740,000.00	5,900,000	299,842,445.02	2,759,000.00	4,250,000	298,351,445.02	356,000.00	1,967,343.35	8,800,000.00	291,874,758.37	
Utah	40,344,343.73	190,658.96	775,000	39,743,343.73	708,000.00	1,130,000	39,321,343.73	20,000.00	259,698.53	1,700,000.00	37,901,012.26	
Vermont	16,837,911.20	1,740,000.00	700,000	16,328,570.16	182,752.60	2,400,000	16,121,322.76	7,414.80	197,270.87	800,000.00	15,436,008.43	
Virginia	92,859,087.29	367,500.00	2,400,000	90,826,587.29	1,415,000.00	2,400,000	89,841,587.29	115,000.00	595,142.54	2,950,000.00	87,601,729.83	
Washington	205,772,433.77	1,105,000.00	8,000,000	198,877,433.77	3,505,000.00	7,000,000	195,382,433.77	140,000.00	1,298,395.69	8,650,000.00	188,140,829.46	
West Virginia	67,348,476.37	478,000.00	2,500,000	65,326,476.37	1,392,000.00	3,500,000	63,218,476.37	51,800.00	419,943.66	4,700,000.00	58,989,420.03	
Wisconsin	257,249,858.24	3,188,673.55	4,900,000	255,538,531.79	1,546,873.63	5,500,000	251,585,405.42	125,581.80	1,665,151.69	7,600,000.00	245,776,138.91	
Wyoming	16,272,571.33	128,975.41	4,500,000	15,901,546.74	214,103.12	5,550,000	15,565,649.86	16,243.01	103,433.18	550,000.00	15,135,326.08	
Total	8,640,919,124.61	49,669,349.92	318,035,000	8,372,553,474.53	165,779,385.80	307,736,000	8,230,596,860.33	11,748,490.50	54,885,244.21	392,490,106.43	7,904,440,488.64	

Compiled by U. S. Treasury and submitted May 12, 1958.

STUDY OF THE EFFECTS OF INSECTICIDES, HERBICIDES, AND FUNGICIDES UPON FISH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1622, S. 2447.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2447) to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following spraying and to provide basic data on the various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interstate and Foreign Commerce with amendments.

INCREASED FEDERAL PARTICIPATION IN STATE PROGRAMS OF PUBLIC ASSISTANCE—AMENDMENTS

Mr. LONG. Mr. President, on behalf of myself and Senators BARRETT, BEALL,

BIBLE, CARROLL, CHAVEZ, CHURCH, CLARK, EASTLAND, ELLENDER, HENNINGS, HILL, HOLLAND, HUMPHREY, KENNEDY, KEFAUVER, GREEN, LANGER, MAGNUSON, MANSFIELD, MORSE, MURRAY, NEUBERGER, O'MAHONEY, PASTORE, REVERCOMB, SMITH of Maine, SPARKMAN, and YARBOROUGH, I submit amendments, intended to be proposed by us, jointly, to House bill 12065, which would increase the Federal contribution to State welfare programs.

The Federal matching formula would be revised by this amendment along the lines of previous revisions in 1946, 1948, 1952, and 1956. The Federal Government would continue to pay \$24 of the first \$30 in welfare payments to those recipients of old-age assistance, aid to the blind, and aid to the permanently and totally disabled.

Under the amendment, the Federal Government would then match each one of the next \$5 put up by the States with \$2 instead of only \$1 as is presently the case. Thus, two-thirds of the money payment between \$30 and \$45 would be provided by the Federal Government. An additional change would be that the Federal Government would continue to match State and local funds on a 50-50 basis up to a maximum of \$70 instead of up to the present \$60 maximum. Finally, this amendment would put the matching program on a permanent basis.

Mr. President, the enactment of this proposed legislation would materially benefit over 2,800,000 Americans. This amendment would permit States to increase the benefits to the elderly, blind, and disabled by up to \$7.50 monthly. This would be a meaningful, though modest, increase, since the present average monthly payments to these needy aged, blind, and disabled amount to \$56, \$62, and \$53, respectively. Any American housewife can tell us that \$50 or \$60 does not go very far these days. Surely the richest country in the world can afford to take better care of its aged needy, its blind, and its disabled, most of whom have contributed much throughout their working lives to making America strong.

At this point in the RECORD I ask unanimous consent to have printed in the RECORD a table I have prepared showing the present average monthly payment to those receiving old-age assistance, aid to the blind, and aid to the permanently and totally disabled; the average monthly payment they would receive under the proposed new formula, assuming that the States passed along the full increase; and the average monthly increase per person on a State-by-State basis.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I

State	Present average monthly payment, February 1953			Estimated average increase in monthly payment under proposed amendment ¹			Estimated average monthly increase per person ¹		
	Old age assistance	Aid to the blind	Aid to the permanently and totally disabled	Old age assistance	Aid to the blind	Aid to the permanently and totally disabled	Old age assistance	Aid to the blind	Aid to the permanently and totally disabled
National average.....	\$55.77	\$62.37	\$52.66						
Alabama.....	38.47	35.76	32.78	\$4.24	\$2.88	\$1.39	\$42.72	\$38.64	\$34.17
Alaska.....	63.24	68.36		7.50	7.50		70.74	75.86	
Arizona.....	55.31	64.19		5.00	7.50		60.31	71.69	
Arkansas.....	41.45	47.15	30.94	5.00	5.00	.47	46.45	52.15	31.41
California.....	77.32	98.93	79.78	7.50	7.50	7.50	84.82	106.43	87.28
Colorado.....	81.34	66.73	58.04	7.50	7.50	5.00	88.84	74.23	63.04
Connecticut ²	102.05	95.62	105.81	7.50	7.50	7.50	109.55	103.12	113.31
Delaware.....	49.33	66.91	63.48	5.00	7.50	7.50	54.33	74.41	70.98
District of Columbia.....	55.95	64.33	66.30	5.00	7.50	7.50	60.95	71.83	73.80
Florida.....	54.02	58.34	57.81	5.00	5.00	5.00	59.02	63.34	62.81
Georgia.....	43.17	48.17	46.69	5.00	5.00	5.00	48.17	53.17	51.69
Hawaii.....	45.75	55.35	58.27	5.00	5.00	5.00	50.75	60.35	63.27
Idaho.....	60.48	65.17	64.68	5.48	7.50	7.50	65.96	72.67	72.18
Illinois.....	44.79	57.51	54.01	5.00	5.00	5.00	49.79	62.51	59.01
Indiana.....	42.25	57.28		5.00	5.00		47.25	62.28	
Iowa.....	67.26	82.41		7.50	7.50		74.76	89.91	
Kansas.....	63.42	69.31	65.20	7.50	7.50	7.50	70.92	76.81	72.70
Kentucky.....	38.63	39.87	38.22	4.32	4.94	4.11	42.95	44.81	42.33
Louisiana.....	61.65	72.03	47.46	6.65	7.50	5.00	68.30	79.53	52.46
Maine.....	49.85	54.33	53.19	5.00	5.00	5.00	54.85	59.33	58.19
Maryland.....	51.88	57.14	59.00	5.00	5.00	5.00	56.88	62.14	64.00
Massachusetts.....	78.15	106.70	85.66	7.50	7.50	7.50	85.65	114.20	93.16
Michigan.....	60.58	68.73	76.53	5.58	7.50	7.50	66.16	76.23	84.03
Minnesota.....	67.82	71.97	55.98	7.50	7.50	5.00	75.32	79.47	60.93
Mississippi.....	30.02	38.66	29.47	.01	4.33	0	30.03	42.99	29.47
Missouri.....	54.50	60.00	56.37	5.00	5.00	5.00	59.50	65.00	61.37
Montana.....	61.82	68.88	68.86	6.82	7.50	7.50	68.64	76.38	76.36
Nebraska.....	53.19	63.72	54.61	5.00	7.50	5.00	58.19	71.22	59.61
Nevada.....	62.13	90.92		7.13	7.50		69.26	98.42	
New Hampshire.....	52.95	61.30	56.54	5.00	6.30	5.00	57.95	67.60	61.54
New Jersey.....	70.07	75.13	81.67	7.50	7.50	7.50	77.57	82.63	89.17
New Mexico.....	47.37	51.04	49.79	5.00	5.00	5.00	52.37	56.04	54.79
New York.....	76.36	84.57	74.68	7.50	7.50	7.50	83.86	92.07	82.18
North Carolina.....	35.38	45.10	39.63	2.69	5.00	4.82	38.07	50.10	44.45
North Dakota.....	74.04	61.64	80.10	7.50	6.64	7.50	81.54	68.28	87.60
Ohio.....	58.70	57.16	52.22	5.00	5.00	5.00	63.70	62.16	57.22
Oklahoma.....	64.61	80.03	71.23	7.50	7.50	7.50	72.11	87.53	78.73
Oregon.....	59.15	72.00	68.94	5.00	7.50	7.50	64.15	79.50	76.44

Footnotes at end of table.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued June 2, 1958
For actions of May 29, 1958
85th-2d, No. 86

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HIGHLIGHTS: Senate passed bill to permit transfer of cotton allotments due to excessive rainfall. Senate committee reported bill to revise procedures for election of SCS farmer committeemen. Senate debated mutual security authorization bill.

HOUSE

1. PERSONNEL AWARDS. The Education and Labor Committee reported with amendment H. R. 488, to provide for the conferring of an award to be known as the Medal for Distinguished Civilian Achievement (H. Rept. 1331). p. 3841
2. ELECTRIFICATION; RECLAMATION. Rep. Ullman criticized the operations of the Idaho Power Co. in the construction of dams in preference to the Hells Canyon dam, and inserted excerpts from a recent committee print of the Senate Interior and Insular Affairs Committee relative to certain proposals made by the company to the Bonneville Power Administration which he stated "provide all the documentation needed to illuminate the Idaho Power Co.'s latest scheme of subsidized underdevelopment." pp. 3839-40
3. TRANSPORTATION. Received memorials from the Miss. Legislature urging the removal of "discriminatory regulations as they apply to transportation by railroads," and favoring the repeal of the Federal excise tax upon the transportation of passengers and freight. pp. 3841, 3762
4. BUDGETING. Both Houses received from this Department "reports prior to the restoration of balances under the appropriation and fund accounts 'Salaries and

Expenses, Commodity Exchange Authority, 1957,' 'Salaries and Expenses, Office of the Secretary of Agriculture, 1957,' and 'Consolidated Working Fund, Agricultural Marketing Service, 1957''; to Government Operations Committees. pp. 8762, 8841

5. ADJOURNED until Mon., June 2. p. 8841

SENATE

May 29, 1958

6. COTTON ACREAGE ALLOTMENTS. Passed without amendment H. R. 12602, to permit the transfer of 1958 farm acreage allotments for cotton in the case of natural disasters, in place of S. 3890, an identical bill, the passage of which was reconsidered and the bill postponed. This bill will now be sent to the President. pp. 8761-2

7. WILDLIFE; INSECTICIDES. Passed as reported S. 2447, to authorize studies by the Interior Department of the effects of insecticides upon fish and wildlife. The committee amendments added pesticides to herbicides and fungicides and authorized continuing studies for such purposes in place of \$280,000 per annum to carry out such objectives. pp. 8777-8

8. FARMER COMMITTEES. The Agriculture and Forestry Committee reported with amendment S. 1436, to amend various provisions of law regarding ASC committees, to provide for administration of the farm program by farmer-elected committees, etc. (S. Rept. 1646). p. 8764

9. FOREIGN AID. Continued debate on H. R. 12181, the mutual security authorization bill. pp. 8769, 8785-9, 8804-8, 8813-14

10. WHEAT. Sen. Humphrey inserted a resolution from the Aitkin County, Minn., Farmers' Union urging all producers to vote in favor of price supports and marketing quotas on the 1959 wheat crop. pp. 8762-3

11. ALCOHOL. Sen. Humphrey inserted a resolution from the Franklin, Minn., Chamber of Commerce, urging the Federal Government to build and operate plants to convert corn and wheat into industrial alcohol to solve the farm surplus problem. p. 8763

12. CORN TASSEL. Sen. Humphrey inserted a resolution from the Minn. Federation of Women's Clubs, urging the adoption of the corn tassel as our national flower. p. 8763

13. TOBACCO. Sen. Morton inserted comments by six scientists challenging the validity of findings that cigarettes cause lung cancer. pp. 8782-5

14. MARKETING; ECONOMIC SITUATION. Sen. Potter inserted statements by participants in an economic mobilization conference, including the chairman of the Jewel Tea Co., who spoke on developments in the food industry (pp. 8800-1). pp. 8792-8804

15. ADJOURNED until Mon., June 2. p. 8826

In the last several weeks, Mr. Johnson's agency has drafted a tentative space program for the fiscal year beginning July 1. The agency, which thus far has been operating on emergency funds supplied by the Defense Department, is asking \$520 million in appropriations, of which it plans to spend some \$250 million during the coming fiscal year.

As tentatively earmarked by ARPA, more than half of its appropriation—some \$309,400,000—will go for the development of a missile defense against ballistic missiles and for a military reconnaissance satellite project of the Air Force known as Pied Piper.

TWO HUNDRED AND TEN MILLION DOLLARS FOR SPACE

Some \$210 million would go for space projects. It has tentatively allocated \$138 million for such space developments as man-in-space research; a 1 million-pound thrust engine; communications, weather and navigational satellites, satellite tracking systems, and satellite instrumentation and power sources.

The remaining \$72 million would go for the already approved projects to shoot 5 rockets to the vicinity of the moon with instrumentation so they could measure the moon's magnetism and photograph its far side, and for a continuing scientific satellite program.

Even for this tentative program of space research it is conceded by Mr. Johnson that the funds requested are inadequate and that there will have to be further screening to pick out the higher priority projects.

For the Pied Piper project, for instance, \$50 million less is being requested than proposed by the Air Force. The program involves \$15 million for development of the 1 million-pound thrust engine—a 5-year project estimated to cost at least \$200 million.

As is Mr. Johnson's agency, the new Civilian Space Agency is still in the process of justifying its projects to the Killian Committee and the Bureau of the Budget. Its tentative plans call for spending \$100 million in the coming fiscal year and to build up to a \$1,300,000,000 level in 3 years.

Indicative of the organizational problems is the difficulty the new space agency encountered in obtaining its budget. At first the Budget Bureau said it could not consider the budget of an agency not yet created. It relented after it was pointed out that if the budget was not prepared now, the space agency would have to wait until next year to obtain appropriations from Congress.

In view of many of the officials interviewed, this deliberate pace of preparations for the space race reflects the apathy about Soviet space developments that permeates Congress, the administration, and the public, an apathy that was not shattered when the Soviet Union launched last week its third satellite weighing 2,900 pounds.

Mr. President, at this time I am glad to yield to the Senator from Pennsylvania.

Mr. CLARK. Mr. President—

Mr. SMITH of New Jersey. Mr. President, I rise to a point of order: I regret that I feel compelled to point out that at 12:15, I yielded to the Senator from Missouri, who assured me that his remarks would be completed not later than 1 o'clock. However, it is now almost half an hour later than that. If the colloquy he has been having with other Senators is to continue, I should like to be advised approximately how long it will continue, inasmuch as I have the floor, and obtained it in order to discuss the mutual-security bill.

Mr. HILL. Mr. President, I rise to a point of order: The Senator from Missouri [Mr. SYMINGTON] has the floor.

Mr. SMITH of New Jersey. No, Mr. President; I believe that I have the floor.

The PRESIDING OFFICER. The Chair understands that the Senator from New Jersey yielded to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I rise to a point of order: When the Senator from New Jersey yielded to me, I then obtained the floor.

The PRESIDING OFFICER. That is correct.

Mr. SYMINGTON. Mr. President, I should like to state to the distinguished Senator from New Jersey that the first I knew about his desire to speak today was when I received from the Senator a letter in which he stated he expected to speak at approximately 3 p. m. this afternoon, and enclosed his speech.

I told the distinguished Senator from New Jersey that my prepared remarks would require approximately 20 minutes, and that has been the case. However, there have been remarks by several of my distinguished colleagues; and, of course, I have been very glad to have these comments and questions, which have thrown much light on the subject.

If the Senator from New Jersey wishes to obtain the floor at this time, I shall be glad to yield. However, I do not think a colloquy on such an important matter should be cut off on a technicality.

Mr. MANSFIELD. Mr. President, if the Senator, whoever has the floor, will yield—

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. SYMINGTON. I yield to the Senator from Montana.

Mr. MANSFIELD. May I suggest to the Senator from New Jersey, who has been most gracious, that he be patient for a little longer? I am sure it will not take too much time to finish the colloquy. The Senator from New Jersey can have the floor.

Mr. SMITH of New Jersey. I am glad to yield. The discussion seems to be going on indefinitely. I was told the Senator from Missouri would be through at 20 minutes to 1. It is now 10 minutes past 1.

Mr. MANSFIELD. The Senator from Missouri cannot be blamed for that. Those of us who interrupted him must take the blame.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the Senator from Missouri can yield only for questions.

Mr. SYMINGTON. Mr. President, I should like to thank the Senator from New Jersey for his invariable courtesy, on the floor and off the floor. I shall now be glad to yield to my good friend from Alabama for a question.

Mr. HILL. Mr. President, I should like to commend the Senator from Missouri for his magnificent address in the Senate today. The Senator from Missouri always speaks with wisdom and with foresight, but he has never spoken with greater wisdom or with greater foresight or with a greater understanding of the challenge which confronts the American people and the American Nation than he has today. He is the great authority on

national defense in the Senate of the United States. I wish to thank him, and I heartily congratulate him on his magnificent presentation today.

Mr. SYMINGTON. All I can say in reply to that gracious tribute is that there is no Member of the Senate from whom I would rather have those kind words than the distinguished Senator from Alabama.

Mr. MANSFIELD. Mr. President, will the Senator yield for a question?

Mr. SYMINGTON. I am glad to yield for a question.

Mr. MANSFIELD. I, too, desire to commend the Senator from Missouri for laying the facts on the line. He has rendered a service, not only to the Senate but to the people of the country as well, and, I would express the hope, to the administration also. I hope the speech will be read with great care, that the sound conclusions which have been reached will be taken note of, and that action and leadership will be forthcoming from the administration in this perilous period.

Mr. SYMINGTON. I thank the distinguished acting majority leader for his invariable kindness to me. The Senator's great knowledge of the military and defense needs of this country is comparable with his knowledge of our foreign affairs.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield for a question.

Mr. CLARK. I should like to associate myself with the comments made by the Senator from Alabama and the Senator from Montana. I regret that the statements of the Senator from New Jersey make it impossible for us to continue with the colloquy, which I hope can be resumed later.

Mr. SYMINGTON. I thank the able Senator from Pennsylvania for his fine contributions to this discussion, and I take this occasion to thank also the senior Senator from New Jersey for his kindness in letting me have the floor.

Mr. SMITH of New Jersey. I thank the Senator.

Mr. MANSFIELD. Mr. President, will the Senator from New Jersey yield for three unanimous-consent requests, consideration of which will be of short duration? I talked to the Senator about them.

Mr. SMITH of New Jersey. Are they the matters in which the Senator from Washington [Mr. MAGNUSON] is interested?

Mr. MANSFIELD. Yes.

Mr. SMITH of New Jersey. I yield for that purpose.

STUDY OF THE EFFECTS OF INSECTICIDES, HERBICIDES, AND FUNGICIDES UPON FISH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid aside temporarily, so that the Senate may proceed to the consideration of the three matters to which I have referred. First, I ask that

the Senate proceed to the consideration of Calendar No. 1622, S. 2447.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 2447) to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following spraying and to provide basic data on the various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interstate and Foreign Commerce, with amendments on page 1, line 5, after the word "herbicides", to strike out "and fungicides" and insert "fungicides and pesticides"; on page 2, line 1, after the word "of", to strike out "determining the amounts and percentages of such chemicals that are lethal to or injurious to fish and wildlife and the amounts or percentages or mixtures which can be used safely, and thereby prevent losses of fish and wildlife from such spraying" and insert "determining the amounts, percentages, and formulations of such chemicals that are lethal to or injurious to fish and wildlife and the amounts, percentages, mixtures, or formulations that can be used safely, and thereby prevent losses of fish and wildlife from such spraying, dusting, or other treatment."

And, after line 10, to strike out:

SEC. 2. The sum of \$280,000 per annum is hereby authorized to be appropriated to carry out the objectives of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to undertake comprehensive continuing studies on the effects of insecticides, herbicides, fungicides and pesticides, upon the fish and wildlife resources of the United States, for the purpose of determining the amounts, percentages, and formulations of such chemicals that are lethal to or injurious to fish and wildlife and the amounts, percentages, mixtures, or formulation that can be used safely, and thereby prevent losses of fish and wildlife from such spraying, dusting, or other treatment.

The amendments were agreed to.

Mr. MAGNUSON. Mr. President, Senate bill 2447 was unanimously reported by the Committee on Interstate and Foreign Commerce.

I ask unanimous consent to have printed in the RECORD at this point extracts from the report on the bill.

There being no objection, the extracts from the report (No. 1592) were ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

S. 2447, as amended and approved by unanimous vote of your committee, would authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides, and pesticides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials, and to provide basic data on various chemical

controls. This research and study will, it is anticipated, determine the amounts and percentages of such formulations and chemicals that may be used on wet lands, rangelands, and other lands with a minimum loss of fish and wildlife.

COMMITTEE ACTION

Public hearings were held by our committee on this legislation, and everyone desiring to testify was given an opportunity to be heard. Appearing and speaking in favor of this legislation were the following: Hon. Lee Metcalf, United States Representative from the First District of Montana; Lansing A. Parker, Assistant Director for Wildlife, Bureau of Sports Fisheries and Wildlife, Department of the Interior; James D. Dewitt, chief chemist, Bureau of Sports Fisheries and Wildlife, Department of the Interior; John H. Baker, president, National Audubon Society; Charles E. Jackson, general manager, National Fisheries Institute; H. S. Mosbrook, forester of the American Pulpwood Association; Charles H. Callison, conservation director, National Wildlife Federation; and Kenneth Pomeroy, representing the American Forestry Association. This bill is endorsed by farm groups, timber and logging industries, commercial fisheries, sportsmen, Federal and State officials.

NEED FOR THIS LEGISLATION

The current situation is, in a large part, due to the phenomenal growth in the use of new pesticidal compounds developed since World War II. The usefulness of these chemicals in combating ravages of insect pests is evidenced by reports that over 750 million pounds of pesticides having a value of over \$256 million are produced in the United States each year. About two-thirds of this production is for domestic use on some 65 million acres of the Nation's land and water.

It is reported that there are over 6,000 aircraft, flying 541,000 hours, used to distribute or spray around 100 million gallons of liquid formulations, a major share of which are insecticidal.

The effects of these sprays, or dusting, has not only killed insects, but also destroyed wild and domestic animals and birds. A Florida operation to control sandflies resulted in the death of an estimated 1 million fish of 30 different species. A spray used to destroy tree-girdling mice has killed other mammals and birds. In March of 1958 approximately 3,000 geese died from eating treated grain used in Klamath Basin, Oreg., mouse-control campaign. Water runoff from some sprays on lands has killed fish. There is grave concern as to whether chemicals used to kill fire ants will even destroy earthworms, a major source of food for woodcock wintering in those areas. In Washington State, there has been damage to upland birds. In Montana, on the Yellowstone River, there was extensive damage to fish following application of DDT as part of the spruce budworm control program. A census of fish in 7 Montana trout streams showed a loss of from 70 to 80 percent as a result of this spray.

This all points up to a pressing and urgent need for research studies to provide basic information which can be used as a guide to the future development and application of such formulations.

At the present time, the effects of many formulations are not fully known or understood.

Your committee believes this Congress should set in motion a research program in this all-important field.

This legislation carries no appropriation with it.

Mr. CURTIS. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. CURTIS. Does the bill provide for a new program, or the continuation of a program?

Mr. MAGNUSON. It is a combination of both. The Agriculture Department and the Department of the Interior have been somewhat concerned for many years in their research as to the effect of insecticides on crops and on fish and wildlife. The departments want authority to have a separate study made in this field.

Mr. CURTIS. Does the bill have the support of the full committee?

Mr. MAGNUSON. Yes. It was unanimously reported.

Mr. CURTIS. How about the Department?

Mr. MAGNUSON. It is a departmental bill. It was introduced at the request of the Department.

Mr. CURTIS. I thank the Senator.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill (S. 2447) was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides and other pesticides, upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials and to provide basic data on the various chemical controls so that forests, croplands, wetlands, rangelands and other lands can be sprayed with minimum losses of fish and wildlife."

FISHERIES LOAN FUND

Mr. MANSFIELD. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1395, S. 3295.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 3295) to amend the Fish and Wildlife Act of 1956 in order to increase the authorization for the fisheries loan fund established under such act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MAGNUSON. Mr. President, this also is a bill which received the unanimous approval of the Committee on Interstate and Foreign Commerce. All it does is to increase the fisheries loan fund authorization. Last year Congress enacted a general omnibus fisheries law which provided certain loan funds. There was provided only a small amount in the revolving fund. The law has been very acceptable to fishermen as it enables them to make small loans with which to buy gear and make repairs, but the funds will be exhausted as of this fishing year. The bill merely adds money to the fund.

I ask unanimous consent that extracts from the committee report be printed in the RECORD at this point.

There being no objection, the extracts from the report (No. 1373) were ordered to be printed in the RECORD, as follows:

85TH CONGRESS
2^D SESSION

S. 2447

IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 1958

Referred to the Committee on Merchant Marine and Fisheries

AN ACT

To authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides and other pesticides, upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials and to provide basic data on the various chemical controls so that forests, croplands, wetlands, rangelands and other lands can be sprayed with minimum losses of fish and wildlife.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Secretary of the Interior is authorized and directed
- 4 to undertake comprehensive continuing studies on the effects

1 of insecticides, herbicides, fungicides and pesticides, upon
2 the fish and wildlife resources of the United States, for the
3 purpose of determining the amounts, percentages, and
4 formulations of such chemicals that are lethal to or injurious
5 to fish and wildlife and the amounts, percentages, mixtures,
6 or formulations that can be used safely, and thereby prevent
7 losses of fish and wildlife from such spraying, dusting, or
8 other treatment.

Passed the Senate May 29 (legislative day, May 28),
1958.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides and other pesticides, upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials and to provide basic data on the various chemical controls so that forests, croplands, wetlands, rangelands and other lands can be sprayed with minimum losses of fish and wildlife.

JUNE 2, 1958

Referred to the Committee on Merchant Marine and Fisheries

June 26, 1958

"The Director of the Bureau of the Budget also indicated that, as a general policy, the Bureau will not approve any new budget request for training authority to be included in appropriation acts in any year after the year in which this bill is enacted. This is in accordance with the purpose and intent of the bill and the policy of the committee.

"The matter of cost was given primary consideration throughout the committee deliberations in recognition of the importance of preventing in advance any mushrooming of costs or expansion of payrolls whenever approving a new program -- a matter in which the Congress always is directly concerned."

3. FOREIGN AID. Received a revised conference report on H. R. 12181, the mutual security authorization bill (H. Rept. 2038). (pp. 11109-118) See Digest 103 for items of interest to this Department.
4. CIVIL DEFENSE. Passed without amendment H. R. 12827, to extend the standby emergency authorities of FCDA until June 30, 1962. pp. 11121-122
5. TAXATION. Received the conference report on H. R. 12695, to extend for 1 year the corporate normal-tax rate and certain excise tax rates, and to repeal the tax on transportation. The Senate agreed to the report earlier. pp. 11145-146, 11221-223 (H. Rept. 2025)
Reps. McCarthy and Saylor urged repeal of the tax on transportation. pp. 11177, 11180
6. TRAVEL EXPENSES. Passed under suspension of the rules H. R. 11133, to amend the Administrative Expenses Act so as to provide for the payment of travel costs for certain Federal personnel appointments to areas in which the CSC has determined there is a manpower shortage. pp. 11168-169
7. ROADS. Passed as reported H. R. 12776, to revise and codify title 23 of the U. S. Code, entitled "Highways." pp. 11169-170
8. PROPERTY. The Government Operations Committee reported without amendment H. R. 12165, to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by RFC and its subsidiaries to other Government Departments (H. Rept. 2024). p. 11184
9. TRANSPORTATION. H. R. 12832, the omnibus transportation bill, as reported by the Interstate and Foreign Commerce Committee (see Digest 100) freezes the so-called agricultural exemption from motor-carrier regulation by the Interstate Commerce Commission to the present list of exemptions, except for a roll-back on frozen fruits, frozen berries, frozen vegetables, coffee, tea, cocoa, hemp, wool imports, and certain categories of domestic wool (i.e., these articles would no longer be exempt). The committee report contains the following statement regarding this provision:
"Regulated carriers are handicapped in their competition with non-regulated carriers for traffic in exempt agricultural commodities. The unregulated carriers are not subject to ICC operating authority, control, rate regulation, rules requiring equal treatment to shippers, areas and commodities, and rules requiring insurance and claims responsibility to which all regulated carriers are subjected. The nonregulated carriers can pick and choose whatever traffic they desire and establish their rates at whatever levels they wish without making them public and without considering whether the charges are reasonable or nondiscriminatory, as required by regulated carriers. As a consequence, large and ever-increasing

House - June 26, 1958

volumes of important agricultural commodities and seafood previously handled by regulated carriers, both rail and truck, have been diverted to the exempt truckers and the diversion continues. The impact upon the regulated carriers is already serious. The removal of further classes of traffic from the regulated category is threatened by the trend of administrative and judicial determinations, expanding the scope of the exemption.

"If the Supreme Court's 'continuing substantial identity' test continues to be applied literally by the courts, it is conceivable that a considerable number of other commodities will be held to be exempt, such as canned fruits and vegetables which are processed at large industrial plants rather than by farmers. It is important that this trend be halted before the position of the regulated carriers is more seriously impaired. The committee, therefore, recommends a freezing, with a slight rollback, of the agricultural exemption in accordance with ruling No. 107, March 19, 1958, Bureau of Motor Carriers of the Interstate Commerce Commission. This amendment would halt further expansion of the scope of the exemption, and it would return to economic regulation the transportation of frozen fruits, frozen berries, frozen vegetables, coffee, tea, cocoa, hemp, imported wool and certain categories of domestic wool. The transportation of cooked fish or shellfish, now subject to regulations is made exempt from such regulation. It is not intended that this exemption shall apply to fish or shellfish which have been treated for preserving such as canned, smoked, salted, pickled, spiced, corned or kippered products.

"Any person engaged on June 1, 1958, in trucking the aforementioned commodities which are returned to regulation by this amendment would be entitled upon application to a certificate or permit allowing him, under regulation, to continue hauling the same commodities within the same areas or between the same points."

10. FORESTRY. The Interior and Insular Affairs Committee reported without amendment H. R. 6038, to authorize transfers of land between the Sequoia National Forest and the Kings Canyon National Park. (H. Rept. 2032). p. 11184
11. TOBACCO. The Tobacco Subcommittee of the Agriculture Committee ordered reported H. R. 12840, to provide a single acreage allotment for Va. sun-cured and Va. fire-cured tobaccos if farmers vote approval in a referendum. p. D601
12. MINING. A subcommittee of the Interior and Insular Affairs Committee ordered reported with amendment S. 3199, to specify the period for doing annual assessment work on unpatented mineral claims. p. D602
13. WILDLIFE. A subcommittee of the Merchant Marine and Fisheries Committee ordered reported with amendments S. 2617, to authorize the purchase by the Secretary of the Interior of wetlands and small areas for migratory bird sanctuaries from funds collected from the sale of Migratory Bird hunting stamps, and S. 2447, to authorize studies by Interior of the effects of insecticides upon fish and wildlife. p. D602
14. MINERALS; WATER RESOURCES. Passed under suspension of the rules H. R. 11123, to authorize Interior to perform surveys, investigations, and research in geology, biology, minerals and water resources. pp. 11161-162
15. FOREIGN CONSTRUCTION. Received from the Government Operations Committee a report "pertaining to foreign-aid construction projects" (H. Rept. 2012). p. 11184

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued July 10, 1958

For actions of July 9, 1958

85th-2d, No. 114

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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HIGHLIGHTS: Senate passed public works appropriation bill.

SENATE

1. COOPERATIVES. The Agriculture and Forestry Committee reported with amendments S. 2444, to authorize producers' cooperatives to bargain with purchasers singly or in groups (S. Rept. 1810). p. 11967
2. APPROPRIATIONS. Passed with amendments H. R. 12858, the civil functions appropriations bill for the Army Corps of Engineers, certain agencies of the Interior Department, and TVA, for 1959. pp. 11990-12008
3. EXPENDITURES; PERSONNEL. Sen. Byrd submitted the report of the Joint Committee on Reduction of Nonessential Federal Expenditures on Federal employment and pay for May 1958. pp. 11968-71
4. STATEHOOD. Sen. Bible commended the passage of the Alaska statehood bill and Sen. Monroney concurred. pp. 11979-80
5. ECONOMIC SITUATION. Sen. Potter inserted the speeches of the President, Ralph Cordiner of GE, and Thomas McCabe of Scott Paper Co., at the economic mobilization conference on the economic situation and efforts made to accelerate the upturn in the economy. pp. 11980-5

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6. RESEARCH; LANDS; TOBACCO. The Agriculture Committee reported the following bills: (p. 12086)
 - S. 3076, without amendment, to authorize the transportation in the U. S. of live foot-and-mouth disease virus for research purposes (H. Rept. 2126).
 - H. R. 6542, without amendment, to authorize the conveyance of certain forest lands to the town of Dayton, Wyo. (H. Rept. 2127).
 - H. R. 12840, without amendment, to provide a single acreage allotment for Va. sun-cured and Va. fire-cured tobaccos if farmers vote approval in a referendum (H. Rept. 2128).
7. INFORMATION; LIBRARIES. The House Administration Committee reported without amendment H. R. 13140, to provide for distribution of additional types of Government publications to depository libraries and to provide for designation of additional depository libraries (H. Rept. 2136). p. 12086
8. FISH AND WILDLIFE. The Merchant Marine and Fisheries Committee ordered reported the following bills: (p. D654)
 - ~~H. R. 13138, with amendment, to amend the Coordination Act so as to provide more effective integration of fish and wildlife conservation programs with Federal water development programs.~~
 - ~~S. 2617, with amendment, to authorize the purchase by the Secretary of the Interior of wetlands and small areas for migratory bird sanctuaries from funds collected from the sale of Migratory Bird hunting stamps.~~
 - S. 2447, with amendment, to authorize studies by Interior of the effects of insecticides upon fish and wildlife.
 - H. R. 10244, with amendment, to reaffirm the national policy regarding fish and wildlife resources.
9. INSPECTION SERVICES. A subcommittee of the Government Operations Committee ordered reported S. 3873, to authorize the interchange of inspection services between executive agencies without reimbursement or transfer of lands. p. D653
10. EDUCATION. Rep. Haskell inserted a letter from the President expressing his support for enactment of "a sound educational bill." p. 12040
Received from the U. S. Advisory Commission on Educational Exchange a report on the educational exchange activities (H. Doc. 419). p. 12085
11. SMALL BUSINESS. Received the conference report on H. R. 7963, to make the Small Business Administration a permanent agency and to increase the SBA loan authority (H. Rept. 2135). pp. 12041-43
12. MILITARY CONSTRUCTION. Debated H. R. 13015, to authorize construction at military installations, including authorization for financing from the foreign currencies acquired under Public Law 480 or through other commodity transactions of CCC. pp. 12043, 12044-74
13. PERSONNEL. The Rules Committee reported a resolution for consideration of S. 1411, to give agencies discretion in either suspending or retaining on duty a Federal employee prior to security hearings. p. 12043
14. ATOMIC ENERGY. Rep. Bailey spoke in opposition to provisions of the proposed Atomic Energy Commission authorization bill which would accelerate the development of atomic reactors. pp. 12074-77
The Rules Committee reported a resolution for consideration of H. R. 13121, the Atomic Energy Commission authorization bill. p. 12043

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued July 17, 1958

For actions of July 16, 1958

85th-2d, No. 119

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HIGHLIGHTS: House concurred in Senate amendment to bill to extend authority for Federal administration of ACP. Senate debated trade agreements extension bill. House committee reported bill to increase allotments for extra-long staple cotton seed.

HOUSE

July 16, 1958

1. SOIL CONSERVATION. Agreed to the Senate amendment to H. R. 1045, to extend for 4 additional years, until December 31, 1962, the authority of the Secretary to administer the agricultural conservation program pending the approval of State plans for administration of the program. This bill will now be sent to the President. p. 12737
2. COTTON ALLOTMENTS; LANDS. The Agriculture Committee reported without amendment H. R. 12531 to permit the allocation from acreage of extra long staple cotton for the production of extra long staple cotton seed (H. Rept. 2185), and H. R. 11800, with amendment, to authorize the Secretary to sell a tract of land and buildings thereon under the jurisdiction of ARS to Clifton, N. J. (H. Rept. 2184). p. 12779
3. FISH AND WILDLIFE. The Merchant Marine and Fisheries Committee reported with amendments H. R. 13138, to amend the Coordination Act so as to provide more effective integration of fish and wildlife conservation programs with Federal

~~water development programs (H. Rept. 2183); S. 2617, to authorize the purchase by the Secretary of the Interior of wetlands and small areas for migratory bird sanctuaries from funds collected from the sale of migratory bird hunting stamps (H. Rept. 2182); and S. 2447, to authorize studies by Interior of the effects of insecticides, herbicides, fungicides and other pesticides upon fish and wildlife (H. Rept. 2181). p. 12779~~

- ~~4. SMALL BUSINESS. The Ways and Means Committee reported with amendment H. R. 13382, the proposed Small Business Tax Revision Act of 1959 (H. Rept. 1298). p. 12779~~
- ~~5. FEDERAL-STATE RELATIONS. Continued debate on H. R. 3, to establish rules of interpretation governing questions of the effect of acts of Congress on State laws. pp. 12745-74~~
- ~~6. PERSONNEL. A subcommittee of the Government Operations Committee ordered reported with amendment S. 1903, to specifically include persons who are appointed by the President and confirmed by the Senate among the personnel for whom certain transportation costs may be paid outside continental U. S. p. D688
A subcommittee of the Post Office and Civil Service Committee ordered reported with amendment S. 25, to specify the effective date upon which changes in pay of wage-board employees shall begin following the start of a survey. p. D689~~
- ~~7. WATER POLLUTION. The Public Works Committee ordered reported H. R. 11714, to amend the Federal Water Pollution Act so as to increase the limitation on certain grants for construction from \$250,000 to \$500,000. p. D689~~
- ~~8. ELECTRIFICATION. Conferees were appointed on H. R. 13121, authorizations for appropriations for AEC projects for 1959. Senate conferees have been appointed. p. 12774~~
- ~~9. AREA REDEVELOPMENT. Rep. Byrd urged enactment during this session of legislation to provide Federal assistance to economically depressed areas. p. 12776~~

SENATE

- ~~10. TRADE AGREEMENTS. Began debate on H. R. 12591, to extend and amend the Trade Agreements Act. Adopted the committee amendments en bloc as the text for additional amendments. pp. 12655-7, 12659-60, 12674-94, 12698-9, 12718-33~~
- ~~11. FORESTRY. The Agriculture and Forestry Committee ordered reported the following bills without amendment:
H. R. 10321, to authorize the exchange of lands within the Estes .
Park Administrative Site, Roosevelt National Forest, for lands of equal value outside the Forest;
H. R. 11253, to authorize the Secretary of Agriculture to exchange certain Forest Service lands and improvements with Redding, Calif.;
H. R. 12161, to provide for the establishment of townsites from national forest lands;
S. 3248, to authorize the Secretary of Agriculture to exchange lands comprising the Pleasant Grove Administrative Site, Uinta National Forest, with a Pleasant Grove, Utah, church;~~

AUTHORIZING RESEARCH ON INSECTICIDES, HERBICIDES, FUNGICIDES, AND OTHER PESTICIDES BY THE SECRETARY OF THE INTERIOR

JULY 16, 1958.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BONNER, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany S. 2447]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (S. 2447) to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials and to provide basic data on the various chemical controls so that forests, croplands, wetlands, rangelands, and other lands can be sprayed with minimum losses of fish and wildlife, having considered the same, report favorably thereon with amendment and recommend that the bill as amended do pass.

The amendment is as follows:

On page 2, after line 8, add another section, reading as follows:

SEC. 2. The sum of \$280,000 per annum is hereby authorized to be appropriated to carry out the objectives of this Act.

PURPOSE OF THE BILL

The purpose of the bill S. 2447 is to express the intent of the Congress that the Secretary of the Interior increase his efforts to determine the effects upon fish and wildlife of the many lethal forms of insecticides, pesticides, and fungicides presently being developed in aid of agriculture. It is probable that there exists sufficient authority at present to conduct the necessary research but the fact remains that it is not being conducted.

The urgent need for study needs little demonstration. Testimony before the committee showed that the maximum amount of DDT,

the first of the new type of insecticide being used presently, was 2 pounds per acre. Although amounts in excess of that had extremely bad effects on many forms of wildlife, one presently being used, dieldrin, has a potency 20 times that of DDT, but is being used in about the same quantities as DDT. Laboratory studies on the effect of DDT on quail has demonstrated that excessive amounts absorbed by breeding birds adversely affect their fertility and that absorption by the young tend to make them completely barren, the combined effect of which could be a sudden elimination of the entire species if research is not instituted to find means to secure necessary pest control without undue harm to the birds.

At the present time, there are over 200 highly toxic insecticides and pesticides in general use and their effect on wildlife is almost completely unknown. Research is likely to be slow in producing positive results and the need for a prompt start is urgent if our wildlife is to survive. The committee recommends the prompt enactment of this bill as a means to that end.

The committee in its consideration of the bill, amended it to provide an authorization for an expenditure of \$280,000 per year. This was done for two reasons: First, that it is unlikely that the program could be started at a higher level than that set by the amendment, and second, that its inclusion will insure that the Congress will be furnished with prompt and specific information as to the progress of the program if the Department wishes to expand it beyond the maximum figure specified. Although the Department of the Interior in its report recommends against the inclusion of such an authorization on the ground that an adequate program might exceed such cost in certain years, it does not appear to be unreasonable to require the Department to seek additional moneys as an alternative to giving it a blank check. Also, it should be noted that departmental witnesses testified at the hearing on the bill that the specified amount would support a minimum research program. It is the expectation of the committee that the Department of the Interior will consult with other agencies engaged in similar studies and will coordinate its research so as to prevent duplication of effort.

Departmental reports on the House bill, H. R. 783, follow:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., March 14, 1957.

HON. HERBERT C. BONNER,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives.

DEAR CONGRESSMAN BONNER: This is in reply to your request of January 11, 1957, for a report on H. R. 783; a bill to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following spraying, and to provide basic data on the various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife.

The bill authorizes the Secretary of the Interior to undertake a comprehensive study of the effects of insecticides, herbicides, and fungicides upon the fish and wildlife resources of the United States, for the purpose of determining (1) the amounts and percentages of

such chemicals that are lethal to or injurious to fish and wildlife, and (2) the amounts, percentages or mixtures which can be used safely, and thereby prevent losses of fish and wildlife from such spraying. The bill also authorizes the appropriation of \$280,000 to carry out its provisions.

This bill relates primarily to the responsibilities of the Department of the Interior. The Department of Agriculture would have no objection to the enactment of H. R. 783.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., May 1, 1957.

HON. HERBERT C. BONNER,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.*

DEAR MR. BONNER: Your committee has requested a report on H. R. 783, to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following spraying, and to provide basic data on the various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife.

We are agreeable to the enactment of this proposed legislation, although we believe the Fish and Wildlife Act of 1956 (70 Stat. 1119) and our general authority in this field provides sufficient authority to carry out the program contemplated by this bill. Enactment of specific legislation on this subject would, of course, express the interest of the Congress in this particular program that we consider to be vital to conservation of the Nation's fish and wildlife resources. Our budget estimates for fiscal year 1958 contain an item for pesticide studies on wildlife.

Sportsmen, conservationists, foresters, and farmers alike are concerned over the tremendous increases in pesticide applications to eliminate insects, weeds, diseases, and other pests. Each year more acreage is being treated with better and more efficient pesticides. Particularly impressive are the large numbers of extensive forest DDT spraying programs now being conducted yearly. Over 3.4 million acres of forests were sprayed last year and more will be sprayed this year. Last year 65 million acres—more than one-sixth of the United States cropland—were treated with pesticides, the total amount of formulated pesticides being 3 billion pounds. The cost of applying these pesticides amounted to \$256 million. Yet crop losses on untreated areas were estimated at \$7.5 billion.

The importance of our forests and agricultural crops is unquestioned. Both are vitally needed. Likewise, insect and other pesticide-control operations are necessary. However, pesticide-control programs have gone ahead without adequate information on the effects which the

85TH CONGRESS
2D SESSION

S. 2447

[Report No. 2181]

IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 1958

Referred to the Committee on Merchant Marine and Fisheries

JULY 16, 1958

Reported with an amendment, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Insert the part printed in italic]

AN ACT

To authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides and other pesticides, upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials and to provide basic data on the various chemical controls so that forests, croplands, wetlands, rangelands and other lands can be sprayed with minimum losses of fish and wildlife.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of the Interior is authorized and directed
4 to undertake comprehensive continuing studies on the effects
5 of insecticides, herbicides, fungicides and pesticides, upon

1 the fish and wildlife resources of the United States, for the
2 purpose of determining the amounts, percentages, and
3 formulations of such chemicals that are lethal to or injurious
4 to fish and wildlife and the amounts, percentages, mixtures,
5 or formulations that can be used safely, and thereby prevent
6 losses of fish and wildlife from such spraying, dusting, or
7 other treatment.

8 SEC. 2. The sum of \$280,000 per annum is hereby au-
9 thorized to be appropriated to carry out the objectives of
10 this Act.

Passed the Senate May 29 (legislative day, May 28),
1958.

Attest:

FELTON M. JOHNSTON,

Secretary.

THE J. C.

100,000,000

THE J. C.

THE J. C. 100,000,000

THE J. C. 100,000,000

THE J. C.

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AN ACT

To authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides and other pesticides, upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials and to provide basic data on the various chemical controls so that forests, croplands, wetlands, rangelands and other lands can be sprayed with minimum losses of fish and wildlife.

JUNE 2, 1958

Referred to the Committee on Merchant Marine and Fisheries

JULY 16, 1958

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

House - July 21, 1958

14. LEGISLATIVE PROGRAM. Sen. Johnson announced that he expected to bring up the Senate farm bill later in the week, "after the policy committee has cleared it." He further stated that the Defense and foreign aid appropriations bills would be considered next week, and that after certain D. C. bills the Senate would consider S. Res. 264, favoring the establishment of an International Development Ass'n, and H. R. 7576, amending the Federal Civil Defense Act. p. 13112

HOUSE

15. SURPLUS COMMODITIES; FOREIGN TRADE. Debated and noted, 152 to 24, to pass S. 3420, to amend and extend Public Law 480. Rep. Griffiths objected to the vote on the ground that a quorum was not present. At the request of Rep. McCormack, further consideration of the bill was then postponed until Wed., July 23. pp. 13173-197
16. COTTON ALLOTMENTS. Passed without amendment H. R. 12531, to permit the allocation from acreage of extra long staple cotton for the production of extra long staple cotton seed. pp. 13172-73
17. SEED MARKETING. Passed without amendment S. 1939, to make various amendments to the Federal Seed Act regarding labeling requirements. This bill will now be sent to the President. pp. 13167-68
18. FOOT-AND-MOUTH DISEASE. Passed without amendment S. 3076, to authorize the transportation in the U. S. of live foot-and-mouth disease virus for research purposes. This bill will now be sent to the President. p. 13162
19. HOG CHOLERA. Passed without amendment S. 3478, to insure the maintenance of an adequate supply of anti-hog-cholera serum and hog-cholera virus. This bill will now be sent to the President. p. 13163
20. FORESTRY. The Interior and Insular Affairs Committee ordered reported with amendment S. 3051, to provide alternatives of either private or Federal acquisition of the Klamath Indian lands which are to be sold under the Termination Act. p. D710
Passed without amendment H. R. 6542, to authorize the conveyance of certain forest lands to the town of Dayton, Wyo. p. 13162
The Speaker appointed as House members of the National Outdoor Recreation Resources Review Commission, pursuant to Public Law 85-470, Reps. Pfost, Ullman, Saylor, and Rhodes. p. 13247
21. TOBACCO. Passed without amendment H. R. 12840, to provide a single acreage allotment for Va. sun-cured and Va. fire-cured tobaccos if farmers vote approval in a referendum. pp. 13162-63
22. APPROPRIATIONS. Received the conference report on H. R. 11574, the independent offices appropriation bill for 1959 (H. Rept. 2237). As reported the bill deletes \$100,000 proposed by the Senate for farm-housing research. pp. 13155-58
Received the conference report on H. R. 13121, to authorize appropriations for the Atomic Energy Commission (H. Rept. 2236). pp. 13243-45
23. AGRICULTURE HALL OF FAME. Passed as reported H. Con. Res. 295, endorsing plans of a non-government group to establish a Hall of Fame for Agriculture. p. 13165

24. FISH AND WILDLIFE. Passed as reported S. 2447, to authorize studies by Interior of the effects of insecticides, herbicides, fungicides and other pesticides upon fish and wildlife. p. 13169
Passed as reported S. 2617, to authorize the purchase by the Secretary of the Interior of wetlands and small areas for migratory stamps. pp. 13169-70
Passed as reported H. R. 13138, to amend the Coordination Act so as to provide more effective integration of fish and wildlife conservation programs with Federal water development programs. pp. 13170-72
25. LANDS. Passed as reported H. R. 11800, to authorize the Secretary to sell a tract of land and buildings thereon under the jurisdiction of ARS to Clifton, N. J. p. 13172
26. SMALL BUSINESS. Passed under suspension of the rules H. R. 13282, the proposed Small Business Tax Revision Act of 1959. pp. 13197-211
27. INFORMATION; LIBRARIES. Passed under suspension of the rules H. R. 13140, to provide for distribution of additional types of Government publications to depository libraries and to provide for designation of additional depository libraries. pp. 13226-28
28. PERSONNEL AWARDS. Debated under suspension of the rules H. R. 488, to provide for the conferring of an award to be known as the Medal for Distinguished Civilian Achievement. At the request of Rep. McCormack further consideration of the bill was postponed until Wed., July 23. pp. 13229-35
29. TRANSPORTATION. A subcommittee of the Merchant Marine and Fisheries Committee ordered reported with amendment H. R. 8382, to provide for the licensing of independent foreign freight forwarders. p. D711
30. MINING CLAIMS. The Interior and Insular Affairs Committee ordered reported with amendment S. 3199, to specify the period for doing annual assessment work on unpatented mineral claims. p. D710
31. COMMITTEE ASSIGNMENTS. Rep. Kilgore resigned from the Public Works Committee and was elected to the Interstate and Foreign Commerce Committee; and Rep. Young, Tex., resigned from the Post Office and Civil Service Committee and was elected to the Public Works Committee. pp. 13242-43
32. WATERSHEDS. Received from the Budget Bureau plans for works of improvement for the lower Willow Creek watershed, Mont., Whitegrass-Waterhole Creek watershed, Okla., and Little Schuylkill River watershed, Pa.; to Public Works Committee. p. 13255

ITEMS IN APPENDIX

33. ELECTRIFICATION. Extension of remarks of Sen. Neuberger inserting an editorial endorsing the proposed establishment of a Regional Power Corporation in the Columbia River Basin. pp. A6493-4
34. FARM PROGRAM. Extension of remarks of Rep. McGregor stating that "...the time has arrived that we recognize the serious predicament in which the farmer finds himself. It is time that we give some consideration to the rotation crop farmer." pp. A6496-8
35. LIVESTOCK. Sen. Jackson inserted two editorials criticizing the delay and failure by the Senate in not passing the humane slaughter bill which has been passed by the House. p. A6499

ship in a reserve component, Army National Guard, or Air National Guard.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 6 (c) (2) of the Universal Military Training and Service Act (62 Stat. 610), as amended (50 U. S. C. App. 456 (c) (2)), is amended by adding the following new clause after clause (E):

"(F) A person who, under any provision of law, is exempt or deferred from training and service under this act by reason of membership in a reserve component, the Army National Guard, or the Air National Guard, as the case may be, shall, if he becomes a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, continue to be exempt or deferred to the same extent as if he had not become a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, so long as he continues to serve satisfactorily."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING RESEARCH ON INSECTICIDES

The Clerk called the bill (S. 2447) to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides, and other pesticides, upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials and to provide basic data on the various chemical controls so that forests, croplands, wetlands, rangelands, and other lands can be sprayed with minimum losses of fish and wildlife.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to undertake comprehensive continuing studies on the effects of insecticides, herbicides, fungicides and pesticides, upon the fish and wildlife resources of the United States, for the purpose of determining the amounts, percentages, and formulations of such chemicals that are lethal to or injurious to fish and wildlife and the amounts, percentages, mixtures, or formulations that can be used safely, and thereby prevent losses of fish and wildlife from such spraying, dusting, or other treatment.

With the following committee amendment:

On page 2, after line 8, add another section, reading as follows:

"SEC. 2. The sum of \$280,000 per annum is hereby authorized to be appropriated to carry out the objectives of this act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MIGRATORY BIRD HUNTING STAMPS

The Clerk called the bill (S. 2617) to amend the Migratory Bird Hunting

Stamp Act of March 16, 1934, as amended.

Mr. CUNNINGHAM of Iowa. Mr. Speaker, reserving the right to object, I wish to ask a few questions of the chairman of the committee or someone in charge of this bill. I notice from the report that over the years \$54 million have been collected under the stamp act. It was supposed to be used for the preservation of wildfowl, and so forth, the acquisition of refuges, but only 13.7 percent of that money has been spent for that purpose. I do not know where the money has gone.

There is a provision in this bill which if it stays in the bill raising the cost of the hunting stamp which originally was \$1 but which is now at \$2. This provision would raise it to \$3. I would like to know where the money is being diverted and for what purposes, and how in any sense of the word it can be considered fair to the poor boy on the farm who wants to shoot a duck or two. Even if he hunts on his own premises he cannot shoot even one duck unless he takes out a stamp. It is proposed to raise the fee from \$2 to \$3. Probably the next bill will raise it to \$5 and then to \$10. What is the reason? Is it to keep the poor farm boy from hunting? Is it to allow only those to hunt who can afford to pay the high fee? What is the theory behind it? What has the money been used for and what is it going to be used for?

Certainly it seems to be unfair to the poor farm boy who wants to go out and shoot maybe one duck on his own land. What justice is there in making the fee so high that only those who can afford to pay the price will be permitted to hunt?

Mr. DINGELL. Mr. Speaker, I reserve the right to object for the purpose of answering the gentleman.

Mr. CUNNINGHAM of Iowa. I have already reserved the right to object. I yield to the gentleman.

Mr. DINGELL. I might say to the gentleman that the very point he raises is the reason for the bill before us. If the gentleman reads the report and the bill he will find that the bill is vitally necessary to halt the abuses the gentleman discusses. It absolutely earmarks the revenue derived from the sale of duck stamps for the acquisition of wildlife refuges and waterfowl habitat.

As the gentleman has pointed out only 13.7 percent of the revenue from the sale of duck stamps has been spent for the purchase of refuge sites, the balance has been diverted.

Mr. CUNNINGHAM of Iowa. That is my point. Why raise it from \$2 to \$3?

Mr. DINGELL. Let me assure the gentleman there will be no more dribbling off of the proceeds from the sale of the duck stamps if this bill is passed.

This bill is supported by the national conservation associations. All agencies of the Government, and all State game and fish commissions approve the bill. This bill absolutely prohibits dribbling this money off and commands and compels it to be spent for the purpose of land acquisition.

By the year 1975, if the present land use in the United States continues, all available waterfowl habitats will have vanished within the borders of the United States with the exception of such lands as are used for Federal and State refuges. This earmarks the proceeds of the duck stamps absolutely.

Mr. CUNNINGHAM of Iowa. I am glad to know that, but I wonder why we have to punish the lad of a few years, the lad in his teens, who maybe wants to shoot one duck a year. Why should we punish him and then not use the money for the purposes for which it is intended?

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM of Iowa. I yield.

Mr. GROSS. There is no question but what some of this money has been diverted in the past, and it has been a disgrace that the money was diverted from the purposes for which it was intended. This bill is designed to cure that situation. Unless the Federal Government moves in and acquires necessary land there will not be migratory waterfowl for the farm boy and others to shoot pretty soon.

Mr. CUNNINGHAM of Iowa. Does the gentleman think there should be an increase in the price of the duck stamps?

Mr. GROSS. Very reluctantly I go along with the increase in the license fee. It can be justified only for the particular and specific purpose of developing wildlife refuges and habitats to propagate migratory waterfowl.

Mr. CUNNINGHAM of Iowa. May I ask the gentleman one more question?

Mr. DINGELL. Certainly.

Mr. CUNNINGHAM of Iowa. Does the gentleman feel that there is sufficient wording in this bill and sufficient information in the report that the money will not be diverted in the future?

Mr. DINGELL. I can offer the gentleman that assurance and I do give him that assurance absolutely I personally put in the report clear language which would make absolutely plain the intent of Congress that this money be not diverted. I offer the gentleman the further assurance that I will continue to watch the expenditure of these duck stamp funds so there will be no diverting. I offer the further assurance to the gentleman that we have two fine Members of this Congress who are members of the Migratory Bird Commission which has the responsibility of watching this operation, I refer to the gentleman from Pennsylvania [Mr. GAVIN] who is a duck hunter, an able sincere Member of this House and a good conservationist, and the other is the very capable gentleman from Missouri [Mr. KARSTEN]. Both of these fine men have been most interested and extremely helpful in getting action on this bill.

Mr. CUNNINGHAM of Iowa. The people who can afford the \$3 instead of the \$2 are the ones who will benefit by it. I am thinking of the poor man who needs to hunt.

Mr. DINGELL. Let me say to the gentleman one other thing. This opens up to 40 percent of any refuge instead of 25 percent. It will open substantially

more shooting grounds in the United States. Instead of purchasing hunting lands at the rate of about \$1 million a year we will be spending about \$6½ million to buy these same lands for nesting purposes and also for hunting purposes for the kind of folks the gentleman speaks about. Unless this bill passes there will not be any ducks to shoot in the foreseeable future.

Mr. CUNNINGHAM of Iowa. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended (48 Stat. 451; 16 U. S. C. 718b), is amended by striking out "\$2" and inserting in lieu thereof "\$3."

SEC. 2. Subsections (a) and (b) of section 4 of such act (16 U. S. C. 718d) are amended to read as follows:

"(a) So much as may be necessary shall be used by the Secretary of the Interior to make advance allotments to the Post Office Department at such times and in such amounts as may be mutually agreed upon by the Secretary of the Interior and the Postmaster General for direct expenditure by the Post Office Department for engraving, printing, issuing, selling, and accounting for migratory bird hunting stamps and moneys received from the sale thereof, in addition to expenses for personal services in the District of Columbia and elsewhere, and such other expenses as may be necessary in executing the duties and functions required of the postal service.

"(b) Except as authorized in subsection (c) of this section, the remainder shall be available for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges under the provision of the Migratory Bird Conservation Act and for the administrative costs incurred in the acquisition of such areas: *Provided*, That not to exceed 40 percent at any one time of any area which heretofore has been or which hereafter may be acquired, reserved, or set apart for the use of the Department of the Interior as an inviolate sanctuary for migratory birds under any law, proclamation, or Executive order may be administered by the Secretary of the Interior, in his discretion, as a wildlife management area within which the taking of migratory game birds may be permitted under such regulations as he may prescribe: *Provided further*, That notwithstanding the fact that such lands constitute public property, the Secretary of the Interior shall comply with the requirements of section 4 of the Administrative Procedure Act (60 Stat. 238) in issuing regulations pursuant to the preceding proviso."

SEC. 3. Section 4 of such act is further amended by adding at the end thereof a new subsection as follows:

"(c) The Secretary of the Interior is authorized to utilize funds made available under subsection (b) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection, to acquire, or defray the expenses incident to the acquisition by gift, devise, lease, purchase, or exchange of, small wetland and pothole areas, interests therein, and rights-of-way to provide access thereto. Such small areas, to be designated as 'Waterfowl Production Areas,' may be acquired without regard to the limitations and requirements of the Migratory Bird Conservation Act, but all of the provisions of such act which govern the administration and protection of lands acquired thereunder, except the inviolate sanc-

tuary provisions of such act, shall be applicable to areas acquired pursuant to this subsection."

SEC. 4. The amendment made by the first section of this act shall become effective on July 1, 1959. The amendment made by section 2 of this act making available the net proceeds of all moneys received in the migratory bird conservation fund for the location, ascertainment, and acquisition of waterfowl production areas and suitable areas for migratory bird refuges shall become effective on July 1, 1960. The remaining amendments made by this act shall become effective on the date of the enactment of this act. Any unobligated balance remaining in the migratory bird conservation fund on June 30, 1960, shall thereafter be available for expenditure only for the purposes specified in the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended by this act.

With the following committee amendment:

On page 2, line 23, after the word "birds" insert "or resident species."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

(Mr. JOHNSON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. JOHNSON. Mr. Speaker, I am greatly pleased to have the opportunity today to speak in support of an amendment to the Duck Stamp Act, in the form of S. 2617, which will provide real substance to the efforts of conservationists and sportsmen to provide waterfowl refuges and management areas for migratory birds.

I share the interest of my colleague from Iowa who just noted that the increased cost of the duck stamp might keep some farm boys from hunting. In fact I was so concerned over just that issue that I conducted a survey last year among duck hunters in my district. Since the Ninth District of Wisconsin is heavily agricultural in nature it goes without saying that a large number of the hunters surveyed are farm residents. It can be said to their credit, I believe, that they voted overwhelmingly in favor of spending another dollar or even two for guaranteed waterfowl refuge acquisition. It should be pointed out that the cost of the stamp at \$3 is still less than many hunters pay for a box of shells. The clinching argument in favor of this bill is that duck hunters ought to have ducks to fire at and if we do not begin setting aside refuges the farm boys will not have much duck hunting at any price.

In my poll I asked them if they would accept an increase in the duck stamp fee if funds were specifically earmarked for refuge acquisition. Seventy-seven percent of the hunters said they would accept an increase if they could be assured the funds would actually go to that worthy purpose. I then introduced legislation to earmark duck stamp revenues. The measure under consideration today so admirably fulfills the intent of my legislation that I support it without hesitation and urge all fairminded Members of Congress to fulfill a longstanding obligation to sportsmen to live up to the

intent of the original legislation and begin acquiring refuges for our waterfowl before it is too late.

During the 84th Congress I presented a report to the Congress on May 27, 1955, as to what was actually happening to money duck hunters provided through fees for hunting stamps. I made a detailed study of the progress of migratory bird legislation culminating in the passage in 1934 of the Federal Migratory Bird Hunting Stamp Act. Some excellent advances were made under that act but after 1940 it became clear that more and more money provided by sportsmen for refuge acquisition was actually going for administrative and operational costs. The sportsmen even came to Congress with a request that the duck stamp price be increased from \$1 to \$2 so that the original purpose could be met. The fee increased but their money largely continued to be used for purposes other than what they had intended.

In my 1955 report I said:

Raising the price of duck stamps is not the answer to this problem, unless we specifically write into law a provision to earmark funds for the purpose of acquiring waterfowl refuges.

This, I am very happy to say, has been done in the law under consideration today.

I understand that the Senate bill has been amended to provide for payment of expenses to the Post Office Department for the stamps themselves. I hope that this does not mean we are letting the camel get his nose in the tent and that a loophole has been provided for additional raids upon funds obtained in a worthwhile cause. Post Office charges in connection with this act quadrupled from 1953 to 1954 and I certainly hope we will not find history repeating itself in that regard.

At the time I made my report I called for earmarking funds for acquisition of wildlife refuges. I am very pleased that administrative objections to this procedure were overcome this year and this legislation was brought to the floor.

AMENDING THE COORDINATION ACT

The Clerk called the bill (H. R. 13138) to amend the act of March 10, 1934, to provide for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the "Wildlife Coordination Act."

SEC. 2. The first four sections of the act entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes," approved March 10, 1934 (16 U. S. C., secs. 661-664, inclusive) are amended to read as follows:

"For the purpose of recognizing the vital contribution of our wildlife resources to the Nation, the increasing public interest and significance thereof due to expansion of our national economy and other factors, and to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs through the effectual

July 23, 1958

9. FARM LOANS; BUDGETING. Both Houses received from this Department a proposed bill to provide for the establishment of a revolving fund for certain FHA loans; to H. Agriculture and S. Agriculture and Forestry Committees. pp. 13445, 13446
10. CLAIMS. Received from this Department a report of all claims paid by the Department in the fiscal year 1958. p. 13445

SENATE

11. FARM PROGRAM. Began debate on S. 4071, the farm bill. pp. 13537-57
- As reported by the Agriculture and Forestry Committee, the bill is divided into three titles, dealing with cotton, corn and feed grains, and rice, respectively.
- With respect to cotton, title I provides for--
- A program for upland cotton for 1959 and 1960 under which producers could elect to take a 40 percent increase in their acreage allotments coupled with a 15 percent of parity reduction in price support. Price support for those not taking the lower support would be by purchase only, and Commodity Credit Corporation would be required to sell cotton at not less than 110 percent of the lower support;
- Upland and extra long staple cotton price support after 1960 at 90 percent of their respective average market prices for the preceding 3 years but not less than 30 cents per pound ^{for} middling inch in the case of upland cotton;
- Minimum upland cotton marketing quotas after 1960 adequate to assure a stable supply to meet world needs, but not less than the "larger" of (i) domestic consumption and exports less 1 million bales, or (ii) 10 million bales;
- A minimum national upland cotton acreage allotment of 16 million acres, with each State sharing in the national allotment in the same proportion that it shared in the national allotment in 1958 (subject to adjustments pursuant to section 344 (k) of existing law);
- A new formula for computing national marketing quotas for extra long staple cotton after 1960, designed to minimize the effect of carryover;
- Use of a 3-year adjusted yield instead of a 5-year yield in converting the national marketing quota to a national acreage allotment;
- Permanent extension of the small farm cotton allotment provisions of existing law, with amendments to (a) increase the national reserve to meet States' needs for acreage to establish minimum farm allotments to 310,000 acres; (b) increase the minimum farm allotment to 10 acres or the 1958 allotment, whichever is smaller; and (c) permit estimation of States' needs after 1959 in order to save the cost of making a trial allotment to determine such needs;
- Allotment of such further acreage as may be necessary to increase each farm acreage allotment to the prescribed minimum, with provision that no part of the additional acreage allotted to States, counties, or farms by reason of provisions relating to minimum farm allotments shall be counted in computing their respective future allotments;
- Use of the previous year's allotment (instead of tillable acreage or history) as a base in making allotments, if that will facilitate effective administration;
- Retention of surrendered cotton acreage in the county so long as any cotton farmer desires it;
- Use of Middling lynch instead of Middling seven-eighths as the standard grade after 1960;

Senate, July 23, 1958

Effective August 1, 1961, increase of minimum prices for Commodity Credit Corporation sales of cotton for unrestricted use to 115 percent of the current support price, plus reasonable carrying charges; and exemption from this requirement of a quantity equal to that by which the national marketing quota is less than domestic consumption and exports; and

Express preservation of the cotton export sales program provided for by section 203 of the Agricultural Act of 1956.

With respect to corn and feed grains, title II provides, effective with the 1959 crops, for--

Discontinuance of corn acreage allotments and the commercial corn-producing area;

Price support for corn at 90 percent of the 3-year average price (adjusted to offset the effect of abnormal quantities of low-grade corn), but not less than \$1.10 per bushel;

Price support for oats, rye, barley, and grain sorghums at fair and reasonable levels in relation to corn, but not less than 60 percent of parity; and

Repeal of the provision for a different corn support level in the non-commercial area.

With respect to rice, title III provides for--

Permanent extension of the present minimum national and State acreage allotments;

Price support for 1959 and 1960 at between 75 to 90 percent of parity without regard to the supply percentage; and

Price support beginning in 1961 at 90 percent of the 3-year average price, but not less than \$4 per hundredweight.

Sen. Proxmire submitted amendments to S. 4071 to authorize loans to farmer associations for processing and marketing enterprises (similar to the REA program); to distribute additional food commodities to the school lunch program and directly to welfare agencies; to provide for a national security reserve of food fiber, and biological oils; and to authorize the President to investigate the possibility of establishing an International Food and Fiber Reserve Bank. p. 13557

12. CIVIL DEFENSE. Passed as reported H. R. 7576, to amend the Federal Civil Defense Act of 1950 so as to permit the expansion of the civil-defense activity of the Federal Government to assume more responsibility for the national program. pp. 13535-7
 13. FOREIGN AID. Passed as reported, 62 to 25, S. Res. 264, favoring the study of the establishment of an International Development Association by the National Advisory Council on International Monetary and Financial Problems. The proposed Ass'n would provide a source of long-term loans at low interest rates payable in local currencies and would utilize available local currency funds such as those built up by Public Law 480 surplus sales. Rejected, 40 to 49, an amendment by Sen. Capehart to require the study to include all other international loan agencies (pp. 13489-93, 13495-6). pp. 13463-93, 13495-13505.
 14. FISH AND WILDLIFE. Agreed to the House amendment to S. 2617, to authorize the purchase by the Secretary of the Interior of wetlands and small areas for migratory waterfowl through the use of funds gained from the sale of Migratory Bird Hunting Stamps at \$3 instead of \$2 each. This bill will now be sent to the President. p. 13506
- Agreed to the House amendment to S. 2447, to authorize studies by Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife. This bill will now be sent to the President. p. 13506

underdeveloped countries by making investments in private enterprise in association with private investors. The International Finance Corporation now has a capitalization of \$93 million and has already made a number of investments. A good example of its operations is the investment of \$600,000 (repayable half in dollars and half in pesos) in a privately owned steel-fabricating company in Mexico. Another example is the investment of \$200,000 in a Chilean corporation engaged in development of a copper mine and smelter in Chile. As times goes on, this relatively new international corporation will be of ever increasing aid to less developed countries.

The International Monetary Fund has supplied over \$2.8 billion to member countries to help stabilize their currencies. More than \$220 million of these funds were in currencies other than United States dollars. The fund has over \$6 billion available to meet the future needs of its members.

This brief summary of existing loan programs indicates rather clearly that there is no need for the proposed IDA. The mere establishment of a new international organization will not create any additional capital. In fact, if the IDA were set up, there is a great likelihood that it would cause funds to be diverted from established programs. The net effect of IDA would be to increase the international bureaucracy in the development loan field without serving any necessary or useful purpose.

HOMER E. CAPEHART.
JOHN W. BRICKER.

APPENDIX A

COMMENTS OF DEPARTMENTS OF STATE AND
TREASURY ON COMMITTEE PRINT OF SENATE
RESOLUTION 264 AS REVISED

DEPARTMENT OF STATE,
Washington, May 20, 1958.

HON. A. S. MIKE MONRONEY,
United States Senate,
Washington, D. C.

DEAR SENATOR MONRONEY: Thank you for your letter of May 8 enclosing for our comment the committee print of a revised version of Senate Resolution 264, relating to the proposal for an International Development Association.

I believe that it would be desirable to make a few changes in the text of the committee print in order to clarify the nature of the study called for and to specify the agency which would conduct the study. A suggested revision of the proposed resolution along these lines is enclosed for your consideration (see appendix B). With these changes the Department of State would favor its enactment.

Sincerely,

DOUGLAS DILLON.

[Enclosure.]

TREASURY DEPARTMENT,
Washington, May 21, 1958.

HON. A. S. MIKE MONRONEY,
United States Senate,
Washington, D. C.

DEAR SENATOR MONRONEY: In response to your letter of May 8, we believe it would be desirable to make a few changes in the text of the committee print of Senate Resolution 264, relating to the proposed International Development Association. A suggested revision is enclosed for your consideration (see appendix B). The changes are intended to clarify the nature of the study proposed in the resolution and to specify the agency to make the study. The Treasury Department would favor the adoption of the resolution with these changes.

We appreciate your affording us an opportunity to comment on the resolution.

Sincerely,

JULIAN B. BAIRD,

Acting Secretary of the Treasury.

[Enclosure.]

APPENDIX B

SENATE RESOLUTION 264, AS REVISED AND APPROVED BY DEPARTMENTS OF STATE AND TREASURY

Resolved, That, recognizing the desirability of promoting a greater degree of international development by means of multilateral loans based on sound economic principles, it is the sense of the Senate that prompt study should be given by the National Advisory Council on International Monetary and Financial Problems with respect to the establishment of an International Development Association, as an affiliate of the International Bank for Reconstruction and Development.

In order to achieve greater international trade, development, and economic well-being, such study should include consideration of the following objectives:

(1) Providing a source of long-term loans available at a reasonable rate of interest and repayable in local currencies (or partly in local currencies) to supplemental International Bank lending activities and thereby permit the prompt completion of worthwhile development projects which could not otherwise go forward.

(2) Facilitating, in connection with such loans, the use of local and other foreign currencies, including those available to the United States through the sale of agricultural surpluses and through other programs.

(3) Insuring that funds for international economic development can be made available by a process which would encourage multilateral contributions for this purpose.

(NOTE.—This language, which modifies previous committee drafts, was accepted by the committee after inserting the language enclosed in parentheses.)

The PRESIDING OFFICER. The question is on agreeing to the resolution. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Missouri [Mr. HENNINGS], the Senator from Florida [Mr. HOLLAND], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

The Senator from Delaware [Mr. FREAR] is absent by leave of the Senate attending the Interparliamentary Union Conference in Rio de Janeiro, Brazil.

The Senator from Massachusetts [Mr. KENNEDY] is absent because of illness.

The Senator from Arkansas [Mr. McCLELLAN] is absent because of a death in his family.

I further announce that if present and voting, the Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. GORE], the Senator from Missouri [Mr. HENNINGS], the Senator from Florida [Mr. HOLLAND], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Texas [Mr. YARBOROUGH] would each vote "Yea."

Mr. DIRKSEN. I announce that the Senator from West Virginia [Mr. HOBLITZELL] is absent because of official business,

having been appointed by the Vice President to attend the 49th Congress of the Interparliamentary Union in Rio de Janeiro. If present and voting, the Senator from West Virginia [Mr. HOBLITZELL] would vote "Yea."

The Senator from West Virginia [Mr. REVERCOMB] is absent on official business.

The result was announced—yeas 62, nays 25, as follows:

YEAS—62

Aiken	Green	Murray
Allott	Hayden	Neuberger
Anderson	Hill	O'Mahoney
Beall	Humphrey	Pastore
Bennett	Ives	Payne
Bible	Jackson	Potter
Bush	Javits	Proxmire
Carlson	Johnson, Tex.	Purtell
Carroll	Johnston, S. C.	Robertson
Case, N. J.	Jordan	Russell
Case, S. Dak.	Kefauver	Saltonstall
Chavez	Kerr	Smathers
Church	Kuchel	Smith, Maine
Clark	Lausche	Smith, N. J.
Cooper	Long	Sparkman
Dirksen	Magnuson	Stennis
Douglas	Mansfield	Symington
Eastland	McNamara	Talmadge
Ervin	Monroney	Thye
Flanders	Morse	Wiley
Fulbright	Morton	

NAYS—25

Barrett	Ellender	Martin, Pa.
Bricker	Goldwater	Mundt
Bridges	Hickenlooper	Schoeppel
Butler	Hruska	Thurmond
Byrd	Jenner	Watkins
Capehart	Knowland	Williams
Cotton	Langer	Young
Curtis	Malone	
Dworshak	Martin, Iowa	

NOT VOTING—9

Frear	Hoblitzell	McClellan
Gore	Holland	Revercomb
Hennings	Kennedy	Yarborough

So the resolution (S. Res. 264) was agreed to.

Mr. MANSFIELD. Mr. President, I move that the vote by which the resolution was agreed to be reconsidered.

Mr. MONRONEY. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on July 22, 1958, the President had approved and signed the following acts:

S. 628. An act to direct the Secretary of the Army to convey certain property located at Boston Neck, Narragansett, Washington County, R. I., to the State of Rhode Island;

S. 692. An act to determine the rights and interests of the Navaho Tribe, Hopi Tribe, and individual Indians to the area set aside by Executive order of December 16, 1882, and for other purposes;

S. 1524. An act for the relief of Laurance F. Safford.

S. 2474. An act directing the Secretary of the Navy to convey certain land situated in the State of Virginia to the Board of Supervisors of York County, Va.;

S. 2997. An act for the relief of Leobardo Castaneda Vargas; and
S. 3314. An act for the relief of the city of Fort Myers, Fla., and Lee County, Fla.

EXECUTIVE MESSAGES REFERRED

As in executive session,
The PRESIDING OFFICER (Mr. PROXMIER in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

AMENDMENT OF MIGRATORY BIRD HUNTING STAMP ACT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2617) to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended, which was, on page 2, line 23, after "birds" to insert "or resident species."

Mr. MAGNUSON. Mr. President, the House has added only a slight amendment, which makes it plain that in connection with the designation of wildlife areas, the Secretary of the Interior may authorize the hunting of resident game birds, as well as migratory birds.

I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

Mr. LANGER. Mr. President, I should like to ask a question. Does the bill increase the price of the stamp from \$2 to \$3?

Mr. MAGNUSON. Yes; but every bit of the money will be used for the acquisition of wildlife refuges, except for the reimbursement to the Post Office Department of the cost of printing the stamps, whereas in previous years, when the stamp cost \$2, from the collections of approximately \$5 million annually, only approximately \$1,600,000 was used for the acquisition of land; and on that basis it would take approximately 47 years to complete the program. The rest of the proceeds from the sale of the stamps was used for management, policing, and so forth.

But under the new program the Department of the Interior must, in connection with its own requests for appropriations, include a request for the funds required for the management of the wildlife refuges. So every bit of the money the sportsmen will pay for the stamps will, with the slight exception noted, be used for the acquisition of these lands.

Every wildlife organization and every sportsmen's organization approves the bill. In fact, the Audubon Society said it would guarantee a substantial number of purchases of the stamps, just for the sake of having the additional wildlife refuges established.

Mr. LANGER. How much money will the stamps bring in?

Mr. MAGNUSON. Last year the total amount was close to \$6 million. As a result of the increase of the charge from

\$2 to \$3, the proceeds will now be approximately \$9 million. On that basis, it will be possible to complete the program in about 17 or 18 years.

Mr. LANGER. I thank the Senator from Washington.

CONTINUATION OF STUDIES OF EFFECTS OF CERTAIN INSECTICIDES ON FISH AND WILDLIFE

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2447) to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides, and other pesticides, upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials and to provide basic data on the various chemical controls so that forests, croplands, wetlands, rangelands, and other lands can be sprayed with minimum losses of fish and wildlife, which was, on page 2, after line 8, to insert:

SEC. 2. The sum of \$280,000 per annum is hereby authorized to be appropriated to carry out the objectives of this act.

Mr. MAGNUSON. Mr. President, the House has added only one amendment, which would change the bill in only 1 particular: The amendment authorizes an annual appropriation of \$280,000. Although the information I have indicates that additional sums may be needed as the program progresses, the \$280,000 will be sufficient to get the work under way. I imagine this will be only the beginning of the program.

Therefore, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

VISIT TO THE SENATE BY HON. JULES BLANCHET, MINISTER OF STATE, REPUBLIC OF HAITI

Mr. HUMPHREY. I yield to the Senator from Vermont.

Mr. AIKEN. Waiting outside the door is a distinguished visitor, the Honorable Jules Blanchet, Minister of State of the Republic of Haiti. His position corresponds to that of Vice President in the United States of America. He is not a member of the Haitian Legislature or Parliament, and, therefore, is not eligible to come on the floor of the Senate, under the rules of the Senate. However, I ask unanimous consent that he be permitted to come on the floor of the Senate long enough to be introduced to Members of the Senate, since there is now a rule prohibiting the introduction of a distinguished visitor from the galleries.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. AIKEN. I shall escort the distinguished visitor to the floor of the Senate.

Mr. HUMPHREY. Mr. President, let me say that I am in full accord with the request of the Senator from Vermont.

I have met the distinguished visitor from the Republic of Haiti. I think it is a good thing to have him visit with us.

[Mr. Blanchet was thereupon escorted to the floor of the Senate by Senator AIKEN.]

Mr. AIKEN. Mr. President, we are honored today by a visit from the second ranking official of one of our neighboring republics, a republic very close to the United States not only geographically, but in political thinking as well. It gives me pleasure to introduce to the Members of the Senate the Honorable Jules Blanchet, the Minister of State for the Republic of Haiti.

[Applause, Senators rising.]

ESTABLISHMENT OF UNITED NATIONS FORCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Concurrent Resolution 109.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The CHIEF CLERK. A concurrent resolution (S. Con. Res. 109) to express the sense of the Congress on the establishment of the United Nations force.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

A TIME FOR DECISION

Mr. BRIDGES. Mr. President, Premier Khrushchev's peremptory call for a summit meeting on the Middle East reads like the presentation of an indictment of the Western Powers by a prosecuting attorney.

While we should tell him politely and firmly that his denunciations and saber rattling do not disturb us in the least, we should also take the occasion to put the chips down and call for a showing of the cards.

This is no time for weakness. It is no time for fuzzy declarations. It is no time for platitudes.

What is now needed is cold, realistic clarification of where we stand, what we propose to do, and what we expect the Soviet Union to do.

We have the opportunity to make a bold stroke for peace. We have a dramatic occasion to speak out for the freedom of small nations. We have a chance to bring 10 years of cold war to a head, with the possibility of arresting the treacherous drift to nuclear devastation.

Above all, we have the chance to lead the world in taking a giant step toward stability, toward law and order, toward progress for the peoples of the Middle East.

The situation demands only that we speak truthfully, clearly, and firmly.

Before proceeding to a suggested declaration of policies, let me offer a brief description of the realities which make a declaration of American policy necessary.

Public Law 85-582
85th Congress, S. 2447
August 1, 1958

AN ACT

72 Stat. 479.

To authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides and other pesticides, upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials and to provide basic data on the various chemical controls so that forests, croplands, wetlands, rangelands and other lands can be sprayed with minimum losses of fish and wildlife.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to undertake comprehensive continuing studies on the effects of insecticides, herbicides, fungicides and pesticides, upon the fish and wildlife resources of the United States, for the purpose of determining the amounts, percentages, and formulations of such chemicals that are lethal to or injurious to fish and wildlife and the amounts, percentages, mixtures, or formulations that can be used safely, and thereby prevent losses of fish and wildlife from such spraying, dusting, or other treatment.

SEC. 2. The sum of \$280,000 per annum is hereby authorized to be appropriated to carry out the objectives of this Act.

Approved August 1, 1958.

3540 E